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COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 17 (a) of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS: STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Secretary-General

1. The General Assembly, by its resolution 2200 A (XXI) of 16 December 1966, adopted and opened for signature, ratification and accession the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

2. Both Covenants and the Optional Protocol were opened for signature at New York on 19 December 1966. In accordance with their respective provisions, 1/ the International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976, the International Covenant on Civil and Political Rights entered into force on 23 March 1976, and the Optional Protocol to the International Covenant on Civil and Political Rights, having received the required number of ratifications or accessions, entered into force simultaneously with that Covenant on 23 March 1976.

3. The General Assembly, by its resolution 44/128 of 15 December 1989, adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and called upon all Governments in a position to do so to consider signing and ratifying or acceding to the Second Optional Protocol.

4. The Second Optional Protocol to the International Covenant on Civil and Political Rights entered into force on 11 July 1991, three months after the date of deposit with the Secretary-General of the tenth instrument of ratification or accession. 2/

5. By its resolution 1998/9 of 3 April 1998, the Commission on Human Rights, inter alia, appealed strongly to all States that had not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41; invited the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as might be sought by States that were not parties to the Covenants, with a view to assisting them to ratify them or accede to them; encouraged States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate such reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law. The Commission also stressed to States parties the importance of avoiding the erosion of human rights by derogation, and underlined the necessity for strict observance of the agreed conditions and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide the fullest possible information during states of emergency, so that the justification and appropriateness of measures taken in those circumstances could be assessed. The Commission further emphasized the importance of the strictest compliance by States parties with their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data; it also urged them to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights. The Commission requested the Secretary-General to ensure that the Office of the High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources. It further requested the Secretary-General to submit to the Commission at its fifty-fifth session a report on the status of the International Covenants and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations. 3/

6. As at 15 December 1998, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 137 States; the International Covenant on Civil and Political Rights by 140 States; the Optional Protocol to the International Covenant on Civil and Political Rights by 92 States; and the Second Optional Protocol to the International Covenant on Civil and Political Rights by 33 States.

7. Upon ratification of the International Covenant on Civil and Political Rights or subsequently 45 States made the declaration provided for in article 41 of the Covenant, recognizing the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State

party is not fulfilling its obligations under the Covenant. The provisions of article 41 entered into force on 28 March 1979 in accordance with paragraph 2 of that article.

8. The lists of the States parties to the Covenants and the Optional Protocols, the dates of their ratifications, accessions or successions as well as the dates of entry into force of those instruments for each State appear in annexes I and II to the present document.

Notes

1/ Article 27 of the International Covenant on Economic, Social and Cultural Rights, article 49 of the International Covenant on Civil and Political Rights and article 9 of the Optional Protocol.

2/ Article 8 of the Second Optional Protocol.

3/ For the text of reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, see document ST/LEG/SER.E/2/Add.1, Multilateral treaties deposited with the Secretary-General: status as at 30 December 1997.

Annex I

STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS AT 15 DECEMBER 1998 (137)

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Afghanistan	24 January 1983 a/	24 April 1983
Albania	4 October 1991 a/	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992 a/	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	13 September 1993	13 December 1993
Australia	10 December 1975	10 March 1976
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992 a/	13 November 1992
Barbados	5 January 1973 a/	3 January 1976
Belarus	12 November 1973	3 January 1976
Belgium	21 April 1983	21 July 1983
Benin	12 March 1992 a/	12 June 1992
Bolivia	12 August 1982 a/	12 November 1982
Bosnia and Herzegovina	1 September 1993 b/	6 March 1992
Brazil	24 January 1992 a/	24 April 1992
Bulgaria	21 September 1970	3 January 1976
Burundi	9 May 1990 a/	9 August 1990
Cambodia	26 May 1992 a/	26 August 1992
Cameroon	27 June 1984 a/	27 September 1984
Canada	19 May 1976 a/	19 August 1976
Cape Verde	6 August 1993 a/	6 November 1993
Central African Republic	8 May 1981 a/	8 August 1981
Chad	9 June 1995 a/	9 September 1995
Chile	10 February 1972	3 January 1976
Colombia	29 October 1969	3 January 1976
Congo	5 October 1983 a/	5 January 1984
Costa Rica	29 November 1968	3 January 1976
Côte d'Ivoire	26 March 1992 a/	26 June 1992
Croatia	8 October 1991 b/	8 October 1991

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Cyprus	2 April 1969	3 January 1976
Czech Republic	22 February 1993 b/	1 January 1993
Democratic People's Republic of Korea	14 September 1981 a/	14 December 1981
Democratic Republic of the Congo	1 November 1976 a/	1 February 1977
Denmark	6 January 1972	3 January 1976
Dominica	17 June 1993 a/	17 September 1993
Dominican Republic	4 January 1978 a/	4 April 1978
Ecuador	6 March 1969	3 January 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987 a/	25 December 1987
Estonia	21 October 1991 a/	21 January 1992
Ethiopia	11 June 1993 a/	11 September 1993
Finland	19 August 1975	3 January 1976
France	4 November 1980 a/	4 February 1981
Gabon	21 January 1983 a/	21 April 1983
Gambia	29 December 1978 a/	29 March 1979
Georgia	3 May 1994 a/	3 August 1994
Germany	17 December 1973	3 January 1976
Greece	16 May 1985 a/	16 August 1985
Grenada	6 September 1991 a/	6 December 1991
Guatemala	19 May 1988 a/	19 August 1988
Guinea	24 January 1978	24 April 1978
Guinea-Bissau	2 July 1992 a/	2 October 1992
Guyana	15 February 1977	15 May 1977
Honduras	17 February 1981 a/	17 May 1981
Hungary	17 January 1974	3 January 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979 a/	10 July 1979
Iran (Islamic Republic of)	24 June 1975	3 January 1976
Iraq	25 January 1971	3 January 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	3 January 1976

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	3 January 1976
Kenya	1 May 1972 a/	3 January 1976
Kuwait	21 May 1996 a/	21 August 1996
Kyrgyzstan	7 October 1994	7 January 1995
Latvia	14 April 1992 a/	14 July 1992
Lebanon	3 November 1972 a/	3 January 1976
Lesotho	9 September 1992 a/	9 December 1992
Libyan Arab Jamahiriya	15 May 1970 a/	3 January 1976
Lithuania	20 November 1991 a/	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	22 September 1971 a/	3 January 1976
Malawi	22 December 1993 a/	22 March 1994
Mali	16 July 1974 a/	3 January 1976
Malta	13 September 1990	13 December 1990
Mauritius	12 December 1973 a/	3 January 1976
Mexico	23 March 1981 a/	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	3 January 1976
Morocco	3 May 1979	3 August 1979
Namibia	22 December 1993 a/	22 March 1994
Nepal	14 May 1991 a/	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980 a/	12 June 1980
Niger	7 March 1986 a/	7 June 1986
Nigeria	29 July 1993 a/	29 October 1993
Norway	13 September 1972	3 January 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 June 1992 a/	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	7 June 1974	3 January 1976
Poland	18 March 1977	18 June 1977
Portugal	31 July 1978	31 October 1978
Republic of Korea	10 April 1990 a/	10 July 1990

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Republic of Moldova	26 January 1993 a/	26 April 1993
Romania	9 December 1974	3 January 1976
Russian Federation	16 October 1973	3 January 1976
Rwanda	16 April 1975 a/	3 January 1976
Saint Vincent and the Grenadines	9 November 1981 a/	9 February 1982
San Marino	18 October 1985 a/	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992 a/	5 August 1992
Sierra Leone	23 August 1996 a/	23 November 1996
Slovakia	28 May 1993 b/	1 January 1993
Slovenia	6 July 1992 a/	6 July 1992
Solomon Islands	17 March 1982 b/	17 March 1982
Somalia	24 January 1990 a/	24 April 1990
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980 a/	11 September 1980
Sudan	18 March 1986 a/	18 June 1986
Suriname	28 December 1976 a/	28 March 1977
Sweden	6 December 1971	3 January 1976
Switzerland	18 June 1992 a/	18 September 1992
Syrian Arab Republic	21 April 1969 a/	3 January 1976
The former Yugoslav Republic of Macedonia	18 January 1994 b/	17 September 1991
Togo	24 May 1984 a/	24 August 1984
Trinidad and Tobago	8 December 1978 a/	8 March 1979
Tunisia	18 March 1969	3 January 1976
Turkmenistan	1 May 1997 a/	1 August 1997
Uganda	21 January 1987 a/	21 April 1987
Ukraine	12 November 1973	3 January 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976 a/	11 September 1976
Uruguay	1 April 1970	3 January 1976
Uzbekistan	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982 a/	24 December 1982
Yemen	9 February 1987 a/	9 May 1987
Yugoslavia	2 June 1971	3 January 1976
Zambia	10 April 1984 a/	10 July 1984
Zimbabwe	13 May 1991 a/	13 August 1991

Annex II

STATES PARTIES TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND TO THE OPTIONAL PROTOCOLS AND STATES WHICH HAVE MADE THE DECLARATION UNDER ARTICLE 41 OF THE COVENANT AS AT 15 DECEMBER 1998

A. States parties to the International Covenant on Civil and Political Rights (140)

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Afghanistan	24 January 1983 a/	24 April 1983
Albania	4 October 1991 a/	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992 a/	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	23 June 1993	23 September 1993
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992 a/	13 November 1992
Barbados	5 January 1973 a/	23 March 1976
Belarus	12 November 1973	23 March 1976
Belgium	21 April 1983	21 July 1983
Belize	10 June 1996 a/	10 September 1996
Benin	12 March 1992 a/	12 June 1992
Bolivia	12 August 1982 a/	12 November 1982
Bosnia and Herzegovina	1 September 1993 b/	6 March 1992
Brazil	24 January 1992 a/	24 April 1992
Bulgaria	21 September 1970	23 March 1976
Burundi	9 May 1990 a/	9 August 1990
Cambodia	26 May 1992 a/	26 August 1992
Cameroon	27 June 1984 a/	27 September 1984
Canada	19 May 1976 a/	19 August 1976
Cape Verde	6 August 1993 a/	6 November 1993
Central African Republic	8 May 1981 a/	8 August 1981
Chad	9 June 1995 a/	9 September 1995
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 a/	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	26 March 1992 a/	26 June 1992

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Croatia	8 October 1991 b/	8 October 1991
Cyprus	2 April 1969	23 March 1976
Czech Republic	22 February 1993 b/	1 January 1993
Democratic People's Republic of Korea	14 September 1981 a/	14 December 1981
Democratic Republic of the Congo	1 November 1976 a/	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominica	17 June 1993 a/	17 September 1993
Dominican Republic	4 January 1978 a/	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987 a/	25 December 1987
Estonia	21 October 1991 a/	21 January 1992
Ethiopia	11 June 1993 a/	11 September 1993
Finland	19 August 1975	23 March 1976
France	4 November 1980 a/	4 February 1981
Gabon	21 January 1983 a/	21 April 1983
Gambia	22 March 1979 a/	22 June 1979
Georgia	3 May 1994 a/	3 August 1994
Germany	17 December 1973	23 March 1976
Greece	5 May 1997 a/	5 August 1997
Grenada	6 September 1991 a/	6 December 1991
Guatemala	6 May 1992 a/	5 August 1992
Guinea	24 January 1978	24 April 1978
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991 a/	6 May 1991
Honduras	25 August 1997 a/	25 November 1997
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979 a/	10 July 1979
Iran (Islamic Republic of)	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991 a/	3 January 1992
Italy	15 September 1978	15 December 1978

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Jamaica	3 October 1975	23 March 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kenya	1 May 1972 a/	23 March 1976
Kuwait	21 May 1996 a/	21 August 1996
Kyrgyzstan	7 October 1994 a/	7 January 1995
Latvia	14 April 1992 a/	14 July 1992
Lebanon	3 November 1972 a/	23 March 1976
Lesotho	9 September 1992 a/	9 December 1992
Libyan Arab Jamahiriya	15 May 1970 a/	23 March 1976
Lithuania	20 November 1991 a/	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	22 December 1993 a/	22 March 1994
Mali	16 July 1974 a/	23 March 1976
Malta	13 September 1990 a/	13 December 1990
Mauritius	12 December 1973 a/	23 March 1976
Mexico	23 March 1981 a/	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	23 March 1976
Morocco	3 May 1979	3 August 1979
Mozambique	21 July 1993 a/	21 October 1993
Namibia	28 November 1994 a/	28 February 1995
Nepal	14 May 1991	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980 a/	12 June 1980
Niger	7 March 1986 a/	7 June 1986
Nigeria	29 July 1993 a/	29 October 1993
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 June 1992 a/	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978
Republic of Korea	10 April 1990 a/	10 July 1990
Republic of Moldova	26 January 1993 a/	26 April 1993
Romania	9 December 1974	23 March 1976
Russian Federation	16 October 1973	23 March 1976

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Rwanda	16 April 1975 a/	23 March 1976
Saint Vincent and the Grenadines	9 November 1981 a/	9 February 1982
San Marino	18 October 1985 a/	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992 a/	5 August 1992
Sierra Leone	21 August 1996 a/	23 November 1996
Slovakia	28 May 1993 b/	1 January 1993
Slovenia	6 July 1992 b/	6 July 1992
Somalia	24 January 1990 a/	24 April 1990
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980 a/	11 September 1980
Sudan	18 March 1986 a/	18 June 1986
Suriname	28 December 1976 a/	28 March 1977
Sweden	6 December 1971	23 March 1976
Switzerland	18 June 1992 a/	18 September 1992
Syrian Arab Republic	21 April 1969 a/	23 March 1976
Thailand	29 October 1996 a/	2 January 1997
The former Yugoslav Republic of Macedonia	18 January 1994 b/	17 September 1991
Togo	24 May 1984 a/	24 August 1984
Trinidad and Tobago	21 December 1978 a/	21 March 1979
Tunisia	18 March 1969	23 March 1976
Turkmenistan	1 May 1997 a/	1 August 1997
Uganda	21 June 1995 a/	21 September 1995
Ukraine	12 November 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976 a/	11 September 1976
United States of America	8 June 1992	8 September 1992
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995 a/	28 December 1995
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982 a/	24 December 1982
Yemen	9 February 1987 a/	9 May 1987
Yugoslavia	2 June 1971	23 March 1976
Zambia	10 April 1984 a/	10 July 1984
Zimbabwe	13 May 1991 a/	13 August 1991

B. States which have made the declaration under article 41 of the Covenant (45)

State party	Valid from	Valid until
Algeria	12 September 1989	Indefinitely
Argentina	8 August 1986	Indefinitely
Australia	28 January 1993	Indefinitely
Austria	10 September 1978	Indefinitely
Belarus	30 September 1992	Indefinitely
Belgium	5 March 1987	Indefinitely
Bosnia and Herzegovina	6 March 1992	Indefinitely
Bulgaria	12 May 1993	Indefinitely
Canada	29 October 1979	Indefinitely
Chile	11 March 1990	Indefinitely
Congo	7 July 1989	Indefinitely
Croatia	12 October 1995	Indefinitely
Czech Republic	1 January 1993	Indefinitely
Denmark	23 March 1976	Indefinitely
Ecuador	24 August 1984	Indefinitely
Finland	19 August 1975	Indefinitely
Gambia	9 June 1988	Indefinitely
Germany	28 March 1979	27 March 1996
Guyana	10 May 1993	Indefinitely
Hungary	7 September 1988	Indefinitely
Iceland	22 August 1979	Indefinitely
Ireland	8 December 1989	Indefinitely
Italy	15 September 1978	Indefinitely
Luxembourg	18 August 1983	Indefinitely
Malta	13 September 1990	Indefinitely
Netherlands	11 December 1978	Indefinitely
New Zealand	28 December 1978	Indefinitely
Norway	23 March 1976	Indefinitely
Peru	9 April 1984	Indefinitely
Philippines	23 October 1986	Indefinitely
Poland	25 September 1990	Indefinitely
Republic of Korea	10 April 1990	Indefinitely
Russian Federation	1 October 1991	Indefinitely
Senegal	5 January 1981	Indefinitely
Slovakia	1 January 1993	Indefinitely
Slovenia	25 June 1991	Indefinitely
Spain	25 January 1985	25 January 1993
Sri Lanka	11 June 1980	Indefinitely
Sweden	23 March 1976	Indefinitely
Switzerland	18 September 1997	18 September 2002

State party	Valid from	Valid until
Tunisia	24 June 1993	Indefinitely
Ukraine	28 July 1992	Indefinitely
United Kingdom of Great Britain and Northern Ireland	20 May 1976	Indefinitely
United States of America	8 September 1992	Indefinitely
Zimbabwe	20 August 1991	Indefinitely

C. States parties to the Optional Protocol (92)

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Algeria	12 September 1989 a/	12 December 1990
Angola	10 January 1992 a/	10 April 1992
Argentina	8 August 1986 a/	8 November 1986
Armenia	23 June 1993	23 September 1993
Australia	25 September 1991 a/	25 December 1991
Austria	10 December 1987	10 March 1988
Barbados	5 January 1973 a/	23 March 1976
Belarus	30 September 1992 a/	30 December 1992
Belgium	17 May 1994	17 August 1994
Benin	12 March 1992 a/	12 June 1992
Bolivia	12 August 1982 a/	12 November 1982
Bosnia and Herzegovina	1 March 1995	1 June 1995
Bulgaria	26 March 1992 a/	26 June 1992
Cameroon	27 June 1984 a/	27 September 1984
Canada	19 May 1976 a/	19 August 1976
Central African Republic	8 May 1981 a/	8 August 1981
Chad	9 June 1995 a/	9 September 1995
Chile	28 May 1992 a/	28 August 1992
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 a/	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	5 March 1997 a/	5 June 1997
Croatia	12 October 1995	12 January 1996
Cyprus	15 April 1992	15 July 1992
Czech Republic	22 February 1993 b/	1 January 1993
Democratic Republic of the Congo	1 November 1976 a/	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominican Republic	4 January 1978 a/	4 April 1978
Ecuador	6 March 1969	23 March 1976
El Salvador	6 June 1995	6 September 1995

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Equatorial Guinea	25 September 1987 a/	25 December 1987
Estonia	21 October 1991 a/	21 January 1992
Finland	19 August 1975	23 March 1976
France	17 February 1984 a/	17 May 1984
Gambia	9 June 1988 a/	9 September 1988
Georgia	3 May 1994 a/	3 August 1994
Germany	25 August 1993	25 November 1993
Greece	5 May 1997 a/	5 August 1997
Guinea	17 June 1993	17 September 1993
Guyana	10 May 1993 a/	10 August 1993
Hungary	7 September 1988 a/	7 December 1988
Iceland	22 August 1979 a/	22 November 1979
Ireland	8 December 1989	8 March 1990
Italy	15 September 1978	15 December 1978
Kyrgyzstan	7 October 1994 a/	7 January 1995
Latvia	22 June 1994	22 September 1994
Libyan Arab Jamahiriya	16 May 1989 a/	16 August 1989
Lithuania	20 November 1991 a/	20 February 1992
Luxembourg	18 August 1983 a/	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	11 June 1996	
Malta	13 September 1990 a/	13 December 1990
Mauritius	12 December 1973 a/	23 March 1976
Mongolia	16 April 1991 a/	16 July 1991
Namibia	28 November 1994 a/	28 February 1995
Nepal	14 May 1991 a/	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989 a/	26 August 1989
Nicaragua	12 March 1980 a/	12 June 1980
Niger	7 March 1986 a/	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 January 1995	10 April 1995
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989 a/	22 November 1989
Poland	7 November 1991 a/	7 February 1992
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990 a/	10 July 1990
Romania	20 July 1993 a/	20 October 1993
Russian Federation	1 October 1991 a/	1 January 1992

State party	Date of receipt of the instrument of ratification or accession a/ or succession b/	Date of entry into force
Saint Vincent and the Grenadines	9 November 1981 a/	9 February 1982
San Marino	18 October 1985 a/	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992 a/	5 August 1992
Sierra Leone	23 August 1996 a/	23 November 1996
Slovakia	28 May 1993 b/	1 January 1993
Slovenia	16 July 1993 a/	16 October 1993
Somalia	24 January 1990 a/	24 April 1990
Spain	25 January 1985 a/	25 April 1985
Sri Lanka	30 October 1997 a/	30 January 1998
Suriname	28 December 1976 a/	28 March 1977
Sweden	6 December 1971	23 March 1976
The former Yugoslav Republic of Macedonia	12 December 1994 a/	12 March 1995
Togo	30 March 1988 a/	30 June 1988
Trinidad and Tobago	14 November 1980 a/	14 February 1981
Turkmenistan	1 May 1997 a/	1 August 1997
Uganda	14 November 1995	14 February 1996
Ukraine	25 July 1991 a/	25 October 1991
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995 a/	28 December 1995
Venezuela	10 May 1978	10 August 1978
Zambia	10 April 1984 a/	10 July 1984

D. States parties to the Second Optional Protocol aiming at the abolition of the death penalty (33)

State party	Date of receipt of the instrument of ratification or accession a/	Date of entry into force
Australia	2 October 1990 a/	11 July 1991
Austria	2 March 1993	2 June 1993
Colombia	5 August 1997 a/	5 November 1997
Costa Rica	5 June 1998	5 September 1998
Croatia	12 October 1995	12 January 1996
Denmark	24 February 1994	24 May 1994
Ecuador	23 February 1993 a/	23 May 1993
Finland	4 April 1991	11 July 1991
Germany	18 August 1992	18 November 1992
Greece	5 May 1997 a/	5 August 1997

State party	Date of receipt of the instrument of ratification or accession a/	Date of entry into force
Hungary	24 February 1994	24 May 1994
Iceland	2 April 1991	11 July 1991
Ireland	18 June 1993 a/	18 September 1993
Italy	14 February 1995	14 May 1995
Luxembourg	12 February 1992	12 May 1992
Malta	29 December 1994	29 March 1995
Mozambique	21 July 1993 a/	21 October 1993
Namibia	28 November 1994 a/	28 February 1995
Nepal	4 March 1998	4 June 1998
Netherlands	27 February 1991	11 July 1991
New Zealand	22 February 1990	11 July 1991
Norway	5 September 1991	5 December 1991
Panama	21 January 1993 a/	21 April 1993
Portugal	17 October 1990	11 July 1991
Romania	27 February 1991	11 July 1991
Seychelles	15 December 1994 a/	15 March 1995
Slovenia	10 March 1994	10 June 1994
Spain	11 April 1991	11 July 1991
Sweden	11 May 1990	11 July 1991
Switzerland	16 June 1994 a/	16 September 1994
The former Yugoslav Republic of Macedonia	26 January 1995 a/	26 April 1995
Uruguay	21 January 1993	21 April 1993
Venezuela	22 February 1993	22 May 1993

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PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fundamental standards of humanity

Report of the Secretary-General submitted pursuant to Commission resolution 1998/29

CONTENTS

	Paragraphs	Page
Introduction	1 - 5	2
I. Identification of crimes under international jurisdiction	6 - 12	3
II. International legal accountability of non-State actors	13 - 16	5
III. Derogation from certain human rights obligations in exceptional circumstances	17 - 20	6
IV. ICRC study on the customary rules of humanitarian law	21 - 24	7
V. Summary, conclusion and recommendations	25 - 26	8
Annex: Comments received from States, United Nations bodies and non-governmental organizations		9

GE.98-05224 (E)

Introduction

1. In its resolution 1998/29 entitled "Minimum humanitarian standards", the Commission on Human Rights requested the Secretary-General to submit a report at its fifty-fifth session. To that end, the Secretary-General, in coordination with the International Committee of the Red Cross, was requested to continue to study and consult on the issues identified for further clarification in the analytical report submitted to the Commission at its fifty-fourth session (E/CN.4/1998/87 and Add.1). The Commission also invited Governments, United Nations bodies, the human rights treaty bodies, mechanisms of the Commission on Human Rights and intergovernmental organizations, as well as regional and non-governmental organizations, to comment on those issues. The majority of responses received reiterated support for fundamental standards of humanity. In addition, suggestions were made in respect of areas for further study and recommendations were made for future action. The responses received to date are reflected in the annex to this report.

2. Since the adoption of the first Geneva Convention in 1864, humanitarian law has evolved in stages, prompted by the changing needs for humanitarian aid and protection resulting from the evolution of means and methods of warfare and the changing nature of armed conflicts. Since the adoption of the four Geneva Conventions for the protection of war victims of 1949, the nature of conflicts has changed considerably. There has been a clear shift from international to non-international armed conflict. In order to meet the need for additional protection, international humanitarian law has evolved to cover not only international armed conflict but also internal armed conflict. The first legal provision to extend the scope of protection to victims of internal armed conflict was article 3 common to the 1949 Geneva Conventions, to be supplemented in 1977 by Additional Protocol II. International human rights law has also evolved extensively since the adoption of the Universal Declaration of Human Rights in 1948 and the two International Covenants in 1966. In particular, new standards have been set in response to the additional protection requirement of vulnerable population groups such as women, children, and minorities, as well as to provide protection from abuse such as torture or cruel and inhuman or degrading treatment, enforced disappearances, and extralegal, arbitrary and summary executions.

3. In the last two decades, situations of internal disturbance or strife characterized by a serious disruption of the internal order, tensions and acts of violence have become frequent in a growing number of countries. Despite a highly complex network of existing human rights norms and humanitarian rules and principles, it has been argued that there is a need to address the lack of protection of persons in situations of internal violence because they fall outside the scope of common article 3 and Additional Protocol II and because the effective implementation of human rights may be limited by derogations in exceptional circumstances. This has led to the proposal of fundamental standards of humanity which would reflect both international human rights and humanitarian law applicable in all situations and to all parties. Such standards would avoid lengthy debates on the definition of armed conflicts, the threshold of applicability of humanitarian law, and the legality under international law of derogations from human rights obligations. It is proposed that the fundamental standards of humanity be applicable at all times, in all circumstances and to all parties. (emphasis added).

4. In his analytical report the Secretary-General described and analysed the major issues surrounding fundamental standards of humanity. These included the scope of protection of existing international human rights and humanitarian law, possible derogations from certain human rights treaties in exceptional circumstances, lack of specificity of human rights standards, customary international humanitarian law and the advantages and disadvantages of fundamental standards of humanity. In the present report, the Secretary-General has been requested by the Commission to study and consult on the issues identified for further clarification in light of recent developments. To this end, the attention of the Secretary-General has been drawn to the following issues among others:

(a) The identification of crimes under international jurisdiction relevant to the protection of human dignity in situations of internal violence;

(b) The international legal accountability of non-State actors; and,

(c) The study by the International Committee of the Red Cross on customary rules of international humanitarian law.

In addition, the present report will provide an update of developments with regard to the provisions allowing States to derogate from human rights obligations in exceptional circumstances.

5. The Secretary-General was requested to prepare his report in coordination with the International Committee of the Red Cross. Their comments and advice are gratefully acknowledged.

I. IDENTIFICATION OF CRIMES UNDER INTERNATIONAL JURISDICTION

6. The major development since the last analytical report was the establishment of the International Criminal Court (hereafter ICC) by the Diplomatic Conference of Plenipotentiaries held in Rome from 15 June to 17 July 1998, and the adoption of its Statute (hereafter the Rome Statute) (A/CONF.183/9). Since the ICC will not replace national courts and the domestic judicial system remains the first line of accountability for crimes committed, a case before the ICC is only admissible when domestic courts are either unwilling or unable to prosecute. There is general agreement that the establishment of an effective ICC will be a significant milestone for the strengthening of the respect of human rights norms and humanitarian rules and principles worldwide. Its jurisdiction over the three core crimes of genocide, crimes against humanity and war crimes 1/ will extend the rule of law, encourage national court systems to prosecute such crimes and hopefully deter the perpetration of future crimes.

1/ The ICC also has jurisdiction over a fourth category of crimes, namely crimes of aggression, but these have yet to be authoritatively defined.

Are the crimes codified by the Statute of the ICC of relevance to fundamental standards of humanity?

7. Of particular relevance to fundamental standards of humanity are the crimes of genocide, crimes against humanity and war crimes in non-international armed conflict contained in articles 6, 7 and 8 of the Statute, respectively. Other crimes within the jurisdiction of the ICC include war crimes in international armed conflict, which do not come within the scope of this report.

8. Article 6 of the Rome Statute gives the ICC jurisdiction over the crime of genocide as defined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide. Furthermore, article 25 of the Statute, on individual criminal responsibility, appears to cover all of the accessory crimes of genocide as referred to in article III of the Genocide Convention. For the purpose of the Statute, "genocide" means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

9. Crimes against humanity are included in article 7 of the Rome Statute and are already expressly recognized in international instruments such as the Nuremberg and Tokyo Charters, the Allied Control Council Law No. 10 and the Statutes of the International Criminal Tribunals for the former Yugoslavia and Rwanda. The crimes listed under article 7 are:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation or forcible transfer of population;

(e) Imprisonment or the severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearances of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

10. A number of criteria have to be met for the ICC to exercise jurisdiction over the crimes. The ICC has jurisdiction over such crimes "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack" (art. 7 (1)). An "attack directed against any civilian population" has been defined as "... a course of conduct involving the multiple commission of acts ... against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack" (art. 7 (2) (a)).

11. With reference to war crimes in non-international armed conflict, the Rome Statute provides the ICC with jurisdiction over acts constituting violations under article 8 (2) (c) and 8 (2) (e). Its scope of jurisdiction, however, is limited by article (8) (2) (d) and (f) to "... armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature". In addition, the jurisdiction over war crimes in non-international armed conflicts under article 8 (2) (e) is further restricted to "armed conflicts that take place in the territory of a State when there is protracted armed conflict" (emphasis added) (art. 8 (2) (f)).

12. The crimes listed have been identified by the international community as being of such a serious nature as to warrant international criminalization, and as such they represent unlawful acts in international law. The crimes of genocide and the crimes against humanity codified therein are considered unlawful at all times, namely during peacetime as well as during situations of internal violence, non-international and international armed conflicts. The crimes codified in the Statute of the ICC are considered a matter of international concern. Furthermore, the prohibition of these acts has been widely recognized as customary international law and therefore is a matter falling also under domestic jurisdiction - States having the primary duty to punish the perpetrators of such acts.

II. INTERNATIONAL LEGAL ACCOUNTABILITY OF NON-STATE ACTORS

13. As situations of internal violence and strife proliferate, abuses committed by non-State actors are of increasing concern to the international community. In many countries where State structures have collapsed or do not exist, abuses are being committed in an overwhelming number of cases by non-State actors. While non-State actors should be punished under domestic

law for criminal offences committed, some argue that non-State actors should also be held accountable under international human rights law, especially in situations where the State structures no longer exist or where States are unable or unwilling to mete out punishment for crimes committed by non-State actors.

14. In the light of new developments in international law, it has become increasingly difficult for perpetrators of gross violations of human rights to escape liability simply by claiming to be a non-State actor. With the establishment of the International Criminal Tribunals for the former Yugoslavia and Rwanda and, now, the ICC, individuals and members of a group can attract international criminal responsibility regardless of whether they are acting as official government agents or not.

In what way does the ICC hold non-State actors accountable for crimes under its jurisdiction?

15. The Statute of the ICC holds non-State actors accountable for the commission of crimes of genocide and crimes against humanity under any circumstances, in times of peace or war. Article 1 of the Statute gives the ICC "jurisdiction over persons" without distinguishing between individuals; article 25 refers to "natural persons" without restricting this term to government officials or those associated with a Government; and article 27 (1) provides that the Statute "shall apply equally to all persons without any distinction based on official capacity". The Statute of the ICC ensures that "the most serious crimes of concern to the international community" will be punished, irrespective of whether the crimes were committed by State or non-State actors. In this way, the Statute has criminalized acts perpetrated by individuals or members of a group that were previously considered by their very nature to be the responsibility of State officials or those acting with their consent or acquiescence.

16. As for war crimes in non-international armed conflict listed in article 8 (2) (e), the Statute specifies at 8 (2) (f) that it applies to "... armed conflict between governmental authorities and organized armed groups or between such groups" (emphasis added). The Statute of the ICC thus extends accountability for crimes under international law to non-State actors beyond Additional Protocol II to the Geneva Conventions of 1949 in two major ways. Firstly, there is no need to show that the organized groups are "under responsible command" and secondly, there exists no requirement of control over part of the territory as provided for under article 1 of Protocol II.

III. DEROGATION FROM CERTAIN HUMAN RIGHTS OBLIGATIONS IN EXCEPTIONAL CIRCUMSTANCES

17. Although human rights are applicable at all times, including during situations of internal violence, some human rights treaties allow States, in exceptional circumstances, to derogate from their obligations with regard to certain human rights commitments. It is precisely during periods of internal strife, serious civil unrest or insurgency that the probability that human rights guarantees will be suspended is highest. As mentioned in the previous report, article 4 of the International Covenant on Civil and Political Rights

ereafter ICCPR) provides for derogations under certain restricted nditions, thereby placing concrete limits on a State's discretion to suspend ghts.

. There are, however, a se: es of rights contained in the ICCPR which are n-derogable and applicable in all circumstances, including in situations of nternal violence. According to article 4 of the ICCPR and General Comment 5 ereon adopted by the Human Rights Committee, a State party may not derogate om articles 6, 7, 8 (paras. 1 and 2), 11, 15, 16, and 18 of the ICCPR and ay not take discriminatory measures, even in situations of internal violence, respect of: the right to life; the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment; the right not to be eld in slavery or servitude; the right not to be imprisoned for failure to erform a contractual obligation; the right not to be subject to retroactive enal measures; the right to recognition as a person before the law; and the ight to freedom of thought, conscience and religion.

. The Human Rights Committee is planning to draft a new general comment on rticle 4 with regard to non-derogable rights provided for in article 4, aragraph 2 in light of the obligations of States parties under international aw and the principle of non-discrimination provided for in article 4, aragraph 1, of the ICCPR. As it may be possible to create links between the njoyment of non-derogable rights (art. 4, para. 2), the non-discrimination lause and other international obligations (art. 4, para. 1), other rights ould also be considered non-derogable.

0. It is of particular relevance to fundamental standards of humanity that rticle 4, paragraph 1, of the ICCPR requires that any measures derogating rom the provisions of the Covenant may not be inconsistent with a State arty's other obligations under international law. Many of the rights nshrined in the Covenant have been included in other human rights treaties, ome of which may allow for restrictions but do not allow for derogations nder any circumstances, including in situations of internal violence. Among hose are: the International Covenant on Economic, Social and Cultural ights, the Convention on the Rights of the Child, the International onvention on the Elimination of All Forms of Racial Discrimination, the onvention on the Elimination of All Forms of Discrimination against Women and he Slavery Convention.

IV. ICRC STUDY ON THE CUSTOMARY RULES OF HUMANITARIAN LAW

1. At the 26th International Conference of the Red Cross and Red Crescent eld in December 1995, the ICRC was formally invited "to prepare, with the ssistance of experts in International Humanitarian Law (IHL) representing arious geographical regions and different legal systems, and in consultation ith experts from governments and international organizations, a report on ustomary rules of IHL applicable in international and non-international armed onflicts, and to circulate the report to States and competent international odies".

2. According to information received from the ICRC, the study will reflect State practice drawn from national and international sources with reference to certain concepts, rather than treaty rules. The study is divided into six

chapters: (i) the principle of distinction (including precautions in attack and precautions against attack); (ii) methods of warfare; (iii) use of weapons; (iv) the specific protection of the civilian population against starvation, of relief personnel and objects, of cultural and religious objects and of the environment; (v) treatment of persons and human rights law applicable in armed conflict; and (vi) accountability and implementation. The information gathered has been consolidated into six reports, each report dealing with one chapter. After a preliminary assessment by the study's Steering Committee, the ICRC will consult with governmental experts and, on the basis of their comments and suggestions, draft the final report. At the 27th International Conference of the Red Cross and Red Crescent scheduled to be held in November 1999, the ICRC will report on its work.

23. The identification of customary international law may prove to be particularly useful with regard to conflicts where the parties are not bound by the Additional Protocols of 1977 or where treaty law is unclear, as well as in cases before courts and tribunals where only customary law can be invoked.

24. With reference to fundamental standards of humanity, the ICRC study may shed some light on the rules applying in internal armed conflicts and may shed light on the scope of application, in practice, of article 3 common to the Geneva Conventions of 1949 and Additional Protocol II.

V. SUMMARY, CONCLUSION AND RECOMMENDATIONS

25. Fundamental standards of humanity are intended to ensure the effective protection of human beings in all situations, especially during situations of internal violence, when some of the most horrible atrocities are committed - both by Governments and non-State actors - with a devastating impact on millions of individuals. International human rights norms and humanitarian rules and principles, irrespective of their historical roots, focus on the respect for human values and for the dignity of the human person. There is thus no reason why certain acts which may be unlawful in normal times and in situations of internal armed conflict should be lawful in situations of internal violence. It may therefore be called for to reiterate the "Martens Clause" mentioned in the preamble to Protocol II which states that "... in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience". In this same vein, fundamental standards of humanity call for the protection of victims of abuses in all circumstances, with full respect for the inherent dignity of the human person.

26. Further means and methods to ensure adequate protection of victims of abuses during situations of internal violence may be required, such as improved implementation of international law; better dissemination of information pertaining to existing human rights standards and humanitarian rules and principles; and education and training programmes in the area of international law - all of which contribute to the full respect of the dignity of the human person at all times.

Annex

COMMENTS RECEIVED FROM STATES, UNITED NATIONS BODIES AND NON-GOVERNMENTAL ORGANIZATIONS

1. Comments were received from the following States: Norway, Switzerland. Information was also received from the following United Nations bodies. Office for Drug Control and Crime Prevention, World Food Programme (WFP) and United Nations Educational, Scientific and Cultural Organization (UNESCO). In addition, comments were received from the following non-governmental organizations: Catholic Women's League Australia, Inc., the International Police Association North-South XXI, Pax Christi International, Unión Dominicana de Periodistas por la Paz, Inc., World Alliance of Reformed Churches and World Young Women's Christian Association.

General comments

2. The majority of responses recognized the continuing need to identify fundamental standards of humanity in order to ensure better protection of persons in situations of internal violence, especially of vulnerable groups such as women, children, refugees and the internally displaced. The Government of Norway highlighted the need to identify the applicability, adequacy and form these standards should take and stressed that it was important to guarantee certain fundamental standards of humanity in practice through the implementation of existing protective rules. North-South XXI highlighted that it was important to examine not only the type of conflict or strife which occurred worldwide but also the direct causes of internal violence.

3. The Government of Switzerland suggested that in order to provide increased protection to persons during situations of internal violence, the fundamental standards of humanity based on existing international human rights and humanitarian law could be reflected in one document, in a concise and accessible manner. These fundamental standards of humanity would be applicable at all times and in all circumstances and to any State, inter-State or non-State actor as well as to any individual. This would be followed by an examination of whether the fundamental standards identified covered situations of internal violence, whether the standards were implemented in practice and, if so, how to improve their implementation through dissemination, education and training.

4. UNESCO and WFP stressed that the fundamental standards of humanity should complement and reinforce existing human rights and humanitarian law and not undermine or limit existing norms and principles.

5. The information and comments received can be categorized according to issues identified for further study, the content of fundamental standards of humanity and recommendations for further action.

Issues for further study

6. The responses included a number of suggestions for areas which require further study in regard to fundamental standards of humanity. These include the following (the authors of the suggestions are contained in parentheses):

(a) In view of the fact that the existing legal framework in situations of internal violence is to some extent inadequate, it would be useful to clarify the relationship between international human rights and humanitarian law (Norway, Switzerland);

(b) As many of the abuses during situations of internal violence are perpetrated by non-State actors, an examination of the international legal accountability of non-State actors would be helpful (as provided for, inter alia, under the Statute of the International Criminal Court) (Norway, Switzerland, UNESCO, WFP, World Young Women's Christian Association);

(c) As certain human rights obligations may be derogated from in exceptional circumstances, including internal violence, the issue of derogations from human rights obligations may shed further light on fundamental standards of humanity (Norway, Switzerland);

(d) Issues relating to compliance by States which may not have ratified the relevant international humanitarian or human rights instruments (WFP);

(e) Developments with regard to the ICC (Norway, Switzerland, WFP, World Young Women's Christian Association).

Content of fundamental standards of humanity

7. Most of the responses provided some indication as to the possible content of fundamental standards of humanity. These have been listed as follows:

The right to life (North-South XXI);

The right to judicial guarantees including the right to a fair trial (International Police Association);

The right to health (North-South XXI);

The right to food (North-South XXI, WFP);

The right to education (UNESCO);

The protection of the natural environment and the protection of cultural goods (UNESCO);

The right to receive and impart information and the right to freedom of opinion and expression (UNESCO);

The right to participate in cultural life and to benefit from scientific and technological progress (UNESCO);

The rights of persons with irregular status (Pax Christi International).

8. Suggestions were made as to possible sources of information that could be referred to, or drawn from, within the context of fundamental standards of humanity. These include:

(a) The list of crimes contained in the Statutes of the International Criminal Tribunals for the former Yugoslavia and for Rwanda (Switzerland);

(b) The list of crimes contained in the Statute of the International Criminal Court, in particular at articles 6, 7 and 8 (Norway, Switzerland, WFP, World Young Women's Christian Association);

(c) The studies of the thematic mechanisms of the Commission on Human Rights, in particular on arbitrary detention; extrajudicial, summary or arbitrary executions; torture; mercenaries; and internally displaced persons (Switzerland);

(d) The study entitled "Human rights and terrorism", by Ms. Kalliopi Koufa, Special Rapporteur of the Sub-Commission (Switzerland);

(e) Guiding principles on internal displacement (E/CN.4/1998/53/Add.2) presented by Mr. Francis Deng, representative of the Secretary-General (Switzerland and WFP);

(f) The study currently being undertaken by the International Committee of the Red Cross on customary rules of humanitarian law (Switzerland, WFP);

(g) The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Office for Drug Control and Crime Prevention);

(h) Economic and Social Council resolution 1998/21 entitled "United Nations standards and norms in crime prevention and criminal justice", the annex to which contains a plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Office for Drug Control and Crime Prevention);

(i) The final report of Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission, on the protection of human rights and states of emergency (E/CN.4/Sub.2/1997/19) (Switzerland);

(j) The Syracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (E/CN.4/1985/Annex 4) (Switzerland);

(k) Paris Minimum Standards of Human Rights Norms in a State of Emergency (Switzerland).

Recommendations for further action

9. A number of recommendations were made for further action in regard to fundamental standards of humanity which could focus on the following:

(i) A study on the rights and principles applicable in situations of internal violence, both in the context of human rights and humanitarian law, as a means to arrive at the identification of possible lacunae in international law (Switzerland);

(ii) A compilation of human rights norms and humanitarian principles to ensure better protection in situations of internal violence (World Alliance of Reformed Churches). This could be done on the basis of a rights-based approach similar to that taken for the compilation and analysis of legal norms for internally displaced persons submitted by Mr. Deng (Switzerland);

(iii) Implementation of fundamental standards of humanity through dissemination and education (World Alliance of Reformed Churches);

(iv) Training and research programmes aimed at promoting the protection of a minimum core of inalienable rights to be enjoyed by individuals in all circumstances (Catholic Women's League Australia, Inc.);

(v) Humanitarian law to be disseminated among student movements (North-South XXI);

(vi) Education and training programmes to be developed in the area of human rights and humanitarian law for members of the armed forces (World Young Women's Christian Association);

(vii) Creation of a high-level commission attached to the Office of the High Commissioner for Human Rights to elaborate a reference framework for each country in order to orient legislation which would guarantee uniformity in norms to be applied in every country (Unión Dominicana de Periodistas por la Paz, Inc.);

(viii) Organization of a second seminar, similar to the one held in Cape Town in September 1996, to discuss in greater detail the issues relevant to fundamental standards of humanity (Switzerland).

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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

Regional arrangements for the promotion and protection of human rights

Report of the Secretary-General prepared in accordance with paragraph 10 of Commission on Human Rights resolution 1997/34

CONTENTS

	Paragraphs	Page
Introduction	1 - 5	2
I. COOPERATION BETWEEN THE UNITED NATIONS AND REGIONAL ORGANIZATIONS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS	6 - 30	2
A. Africa	6 - 13	2
B. Europe	14 - 20	5
C. Latin America	21 - 25	6
D. Asia and the Pacific	26 - 30	7
II. CONCLUSIONS	31 - 32	8

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Introduction

1. In its resolution 1997/34 of 11 April 1997 the Commission on Human Rights welcomed the continuing cooperation and assistance of the High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular with regard to advisory services and technical assistance, public information and education, with a view to exchanging information and experience in the field of human rights.

2. The Commission stressed the importance of the programme of advisory services in the field of human rights and renewed its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under that programme, for organizing information or training courses at the national level for government personnel, and noted with satisfaction the establishment of technical cooperation projects with several Governments of the Asian and the Pacific region.

3. The Commission requested the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and invited States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights.

4. The Commission requested the High Commissioner for Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, relevant recommendations.

5. The Secretary-General was requested to submit to the Commission at its fifty-fifth session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of resolution 1997/34. The present report has been prepared in response to that request.

I. COOPERATION BETWEEN THE UNITED NATIONS AND REGIONAL ORGANIZATIONS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Africa

1. Cooperation with the Organization of African Unity (OAU) and the African Commission on Human and Peoples' Rights including proposals and recommendations for future cooperation

6. The African system for the protection and promotion of human rights is based on the African Charter on Human and Peoples' Rights, which came into

activities in the field of human rights; and strengthening non-governmental and grass-roots organizations and civil society in promoting respect for human rights. These activities will be carried out at the request of the States and organizations concerned, taking into consideration the specific characteristics of each situation.

10. In order to enhance cooperation with OAU, OHCHR is examining the possibility of placing a human rights expert within OAU. The High Commissioner is currently discussing this matter with relevant OAU officials .

2. Cooperation with the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC), including proposals and recommendations for future cooperation

11. In November 1998, representatives of OHCHR met with the Executive Secretary of ECOWAS who expressed the Community's willingness to cooperate with OHCHR and stressed the need to integrate human rights into the activities of ECOWAS, especially with regard to the development and the implementation of the Framework Agreement on an ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security. ECOWAS welcomed the OHCHR suggestion to organize, in cooperation with ECOWAS, training sessions on national plans of action for the ECOWAS member States in 1999. The representatives of ECOWAS indicated ways in which OHCHR could make significant contributions to the normative development of the above-mentioned mechanism.

12. Southern Africa is generally considered to have an encouraging potential for establishing and successfully maintaining democratic institutions and the rule of law. Endowed with significant natural and human resources, the region enjoys a relatively advantageous position in terms of economic and social development. Since the collapse of apartheid in South Africa, the subregion has managed to achieve notable progress in building democratic institutions. Many countries have requested technical assistance of OHCHR. In order to maximize the impact of its involvement in the subregion, OHCHR is providing increasing support to SADC to establish a "human rights sector". The process started with the SADC Human Rights Conference held in Mozambique in February 1994 and the Workshop on Democracy, Peace and Security held in Namibia, in July 1994. In June 1996, the SADC Organ on Politics, Defence and Security was established, based on "the observance of human rights, democracy and the rule of law". Among its objectives are promoting and enhancing the development of democratic institutions, encouraging the ratification of human rights treaties and preventing conflict in the region through an early warning system. OHCHR is making expertise and assistance available to the SADC Secretariat in Gaborone, Botswana, to enable the objectives of the Organ to be achieved.

13. With regard to subregional training activities, a human rights training course for senior command and staff officers from the southern African subregion was organized in Pretoria, South Africa, in September 1997. A number of regional activities, including the second Conference of African National Institutions for the Promotion and Protection of Human Rights, held in Durban, South Africa (1-3 July 1998) have been organized in the subregion

with the assistance of OHCHR. OHCHR is currently implementing, jointly with UNDP, a project aimed at strengthening United Nations capacity in southern Africa to respond to government requests for assistance on human rights, democracy and rule of law issues. A regional programme adviser, based in Pretoria, is coordinating and consulting closely with Resident coordinators in southern Africa to facilitate the formulation, monitoring and evaluation of human rights, democracy and rule of law projects and activities and to provide on-site support and advice upon request to Governments and SADC.

B. Europe

1. Cooperation with the Council of Europe and the European Union, including proposals and recommendations for future cooperation

14. The High Commissioner attended and delivered a speech at the European Regional Colloquy organized by the Council of Europe in Strasbourg on 2 September 1998. She took the opportunity of her visit to Strasbourg to hold a series of working meetings with the Secretary-General of the Council of Europe, the Registrar of the European Court of Human Rights and other high-level officials. The issue of cooperation between OHCHR and the Council of Europe was discussed and it was agreed that there was a need for a more structured relationship between the two institutions. Among the areas of potential future cooperation are the next World Conference on Racism and Racial Discrimination; action to combat trafficking of women and violence against women; technical cooperation; and the strengthening of national capacities in the field of human rights. OHCHR and the Council of Europe are discussing several concrete proposals for cooperation in their field activities in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia.

15. The High Commissioner delivered a key-note speech at a joint meeting of the Foreign Affairs Committee and the Sub-Committee on Human Rights of the European Parliament on 23 June 1998, at which a wide-ranging exchange of views on issues of mutual concern took place. The High Commissioner took the opportunity of this visit to meet the Vice-Chairperson of the European Commission and other Commission officials.

2. Cooperation with the Organization for Security and Cooperation in Europe (OSCE) including proposals and recommendations for future cooperation

16. OHCHR continued to maintain constructive contacts with OSCE. A formal agreement on cooperation was reached in June 1998 between the OSCE Office for Democratic Institutions and Human Rights and OHCHR on the regular exchange of information, areas for joint action and the maintenance of institutional links. OHCHR participated in the OSCE Human Dimension Seminar on Ombudsmen and National Human Rights Protection Institutions held in Warsaw in May 1998. In an address to the OSCE Permanent Council of Ministers in Vienna in June 1998, the High Commissioner emphasized the importance of developing a global partnership for human rights among concerned organizations.

17. In Bosnia and Herzegovina and in Croatia, OHCHR field staff have consulted with OSCE missions on a range of issues, including legal reform and training programmes. OSCE staff in Albania provided valuable assistance to an OHCHR investigative mission which travelled to that country in June 1998 to interview refugees from Kosovo, Federal Republic of Yugoslavia. In the Federal Republic of Yugoslavia, good cooperation has been established between the OHCHR field presence and the OSCE Kosovo Verification Mission (KVM). OHCHR has provided human rights briefings for incoming KVM monitors, and an OHCHR needs-assessment mission was undertaken in the Federal Republic of Yugoslavia in December 1998 to help design the modalities of a full-scale training programme.

18. In the Abkhazia region of Georgia, OSCE continued its participation in the OHCHR human rights office, which is a part of the United Nations Observer Mission in Georgia (UNOMIG). OSCE has provided one human rights specialist to the office to work with the two United Nations human rights officers, in accordance with a memorandum of understanding signed between the two organizations in 1997. The mandate of the office includes promoting respect for human rights, contributing to the safe and dignified return of refugees and internally displaced persons, and reporting on human rights developments. The office's programme includes both human rights monitoring and technical cooperation elements. Consultation with OSCE including the OSCE High Commissioner for National Minorities, also comprises an important part of OHCHR technical cooperation projects that are either under way or being developed in other countries, including Latvia, Moldova, Ukraine, Belarus, Georgia and Kyrgyzstan.

19. The OSCE Chairman-in-Office took the initiative, in September 1998, of establishing a Group of Friends of Albania to facilitate further the coordination of the international community's efforts to assist Albania. The diverse interaction between OSCE and the United Nations in this initiative includes consultations on the possibility of establishing an independent human rights institution or Ombudsman.

20. In Tajikistan, the United Nations Mission of Observers in Tajikistan (UNMOT) continued to work closely with the OSCE mission in the country to promote human rights and democratic institution-building and to protect refugees and internally displaced persons.

C. Latin America

Cooperation with the inter-American system, including proposals and recommendations for future cooperation

21. OHCHR has been cooperating with several inter-American institutions in the elaboration and implementation of regional projects aimed at promoting and protecting human rights. Preliminary discussions were held in 1998 with two such institutions, the Inter-American Institute for Human Rights (IIDH) and the United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders (ILANUD) with a view to the signing of memoranda of understanding on enhanced cooperation. Draft memoranda of understanding have been prepared and it is hoped that they will be signed in the near future.

22. OHCHR is continuing discussions with the Organization of American States and the Inter-American Commission on Human Rights to establish closer cooperation through joint initiatives.

23. In October 1998 the High Commissioner for Human Rights signed a memorandum of understanding with an important Latin American regional NGO, the Andean Commission of Jurists (CAJ), to expand cooperation in the Andean countries, principally in the field of the administration of justice. A technical cooperation project is being implemented jointly with CAJ for the development of a judicial information network in those countries.

24. With regard to cooperation between OHCHR and ILANUD, two ongoing technical cooperation projects are under implementation. The first is a preparatory assistance project for the Central America and Panama subregion on the penitentiary system, the second is a pilot project for the Central America and Panama subregion on strengthening the application of human rights norms by the police.

25. ILANUD also cooperated with OHCHR in the implementation of a human rights training programme for law enforcement officials in Central America, which included a short module on the specialized treatment of victims of domestic violence. The initiative had very positive results and the Government of Panama has requested that training also be provided for Panamanian law enforcement officials in this area. With regard to future cooperation, ILANUD is interested in extending its cooperation with OHCHR to the Andean region and has submitted two project proposals, based on the experience gained in the Central America subregion, which would include training on the treatment of victims of domestic violence.

D. Asia and the Pacific

26. One of the fundamental objectives of the United Nations is to promote universal respect for, and observance of, human rights and fundamental freedoms. The United Nations has consistently promoted cooperation in the Asian and Pacific region for the achievement of this objective. Accordingly, and within the framework of its programme of technical cooperation in the field of human rights, OHCHR is organizing a series of workshops for the promotion and protection of human rights in the Asian and Pacific region.

27. At the regional workshops organized so far (in Manila in 1990, in Jakarta in 1993, in Seoul in 1994, in Kathmandu in 1996, in Amman in 1997 and in Tehran in 1998), consensus was reached on a "step-by-step" "building-blocks" approach involving extensive consultation among Governments of the region concerning the possible establishment of regional arrangements. It has also been agreed that regional arrangements must emerge from and be directed to the needs and priorities set by Governments of the region, with roles, functions, tasks, outcomes and achievements determined by consensus.

28. In 1997, the Amman Workshop concluded, inter alia, that the sharing of information and the development and strengthening of national capacities for the promotion and protection of human rights were crucial in the step-by-step process of establishing regional human rights arrangements. The Workshop also strongly recommended that a regional technical cooperation programme be designed and implemented as a matter of urgent priority.

29. In 1998, at the Tehran Workshop this process was carried forward and agreed conclusions were adopted for the first time. Underlining its commitment to developing and strengthening national capacities, in accordance with national conditions, for the promotion and protection of human rights through regional cooperation and the sharing of experiences, the Workshop adopted a framework for regional technical cooperation in the Asian and Pacific region designed to develop inter alia:

National plans of action for the promotion and protection of human rights and the strengthening of national capacities;

Human rights education;

National institutions for the promotion and protection of human rights;

Strategies for the realization of the right to development and economic, social and cultural rights.

30. Since 1990, the intergovernmental workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region has became the key forum for discussion of initiatives for regional cooperation, including the technical cooperation outlined below. Consequently, and in accordance with Commission on Human Rights resolution 1998/44, the seventh workshop for the Asian and Pacific region is to be organized in New Delhi from 16 to 18 February 1999. A separate report on the outcome of the Workshop is being submitted to the Commission at its present session.

II. CONCLUSIONS

31. Cooperation between the United Nations and regional institutions in the field of human rights continues to be both substantive and mutually supportive. However there is great potential to further this cooperation and to take it into new areas. The High Commissioner for Human Rights has indicated that she will be placing special emphasis on the issue of trafficking in women and on the strengthening of national human rights institutions. Priority will be given to increasing cooperation in these two areas between the United Nations and regional human rights bodies.

32. As reported above, the High Commissioner for Human Rights was able to engage in a very constructive dialogue with various components of the Council of Europe and the European Commission with the goal of furthering cooperation between these institutions and her Office. The High Commissioner had intended also to visit the regional institutions in Africa and in the Americas during 1998. Unfortunately, the two events which would have provided the opportunity for these visits were both rescheduled. The High Commissioner places high priority on strengthening relations and effective cooperation between her office and these regional bodies. She therefore intends to undertake visits to both as soon as feasible. The outcome will be reported to the Commission at its fifty-sixth session.

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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:

NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

Report of the Secretary-General submitted in accordance with Commission resolution 1998/44

GE.99-11448 (E)

CONTENTS

	Paragraphs	Page
Introduction	1	3
I. SEVENTH WORKSHOP ON REGIONAL ARRANGEMENTS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION	2 - 22	3
A. Mandate	2 - 7	3
B. Preparatory process for the workshop	8 - 10	4
C. Participation	11 - 13	5
D. Proceedings	14 - 21	5
E. Conclusions of the workshop	22	7
II. UNITED NATIONS PROGRAMME OF TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION	23 - 29	7
III. ACTIVITIES OF NATIONAL HUMAN RIGHTS INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION	30 - 31	9
IV. STATUS OF ADHERENCE BY STATES IN THE ASIAN AND PACIFIC REGION TO THE PRINCIPAL INTERNATIONAL HUMAN RIGHTS INSTRUMENTS	32	10

Annexes

I. Terms of reference for a regional human rights adviser for the Asian-Pacific Region	12
II. Proposals for the next steps to be taken to facilitate the process of regional cooperation for the promotion and protection of human rights and possible regional arrangements	13
III. Conclusions of the seventh Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region (New Delhi, 16-18 February 1999)	15

Introduction

1. In its resolution 1998/44, the Commission on Human Rights requested the Secretary-General to submit to the Commission at its fifty-fifth session a further report incorporating information on the progress achieved in implementing the resolution. The present report is submitted in accordance with that request.

I. SEVENTH WORKSHOP ON REGIONAL ARRANGEMENTS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION

A. Mandate

2. One of the fundamental objectives of the United Nations is to promote universal respect for, and observance of, human rights and fundamental freedoms. The United Nations has consistently promoted regional cooperation in the Asia Pacific for the achievement of this objective, inter alia through the consideration of possible regional arrangements for the promotion and protection of human rights. The General Assembly and the Commission on Human Rights have adopted numerous resolutions in this regard. The World Conference on Human Rights reaffirmed the fundamental role that regional and subregional arrangements could play in promoting and protecting human rights.

3. Pursuant to the relevant resolutions of the General Assembly and the Commission, the Office of the High Commissioner for Human Rights, within the framework of the programme of technical cooperation and advisory services in the field of human rights, organized in 1982 a seminar in Colombo and, more recently, six workshops for the Asian and Pacific region, in cooperation with the host Governments: in Manila in 1990, Jakarta in 1993, Seoul in 1994, Kathmandu in 1996, Amman in 1997 and Tehran in 1998.

4. Through these workshops, a consensus has been reached on the principles and a "step-by-step", "building-blocks" approach involving extensive consultation among Governments of the region, concerning the possible establishment of regional arrangements. It has also been agreed that regional arrangements must emerge from and be directed to the needs and priorities set by Governments of the region, with roles, functions, tasks, outcomes and achievements determined by consensus.

5. The Amman workshop concluded, inter alia, that the sharing of information and the development and strengthening of national capacities for the promotion and protection of human rights are crucial in the step-by-step process of establishing regional human rights arrangements. The workshop also strongly recommended that a regional technical cooperation programme be designed and implemented as a matter of urgent priority.

6. The Tehran workshop carried this process forward and adopted for the first time agreed conclusions. Underlining its commitment to developing and strengthening national capacities, in accordance with national conditions, for the promotion and protection of human rights through regional cooperation and sharing of experiences, the workshop adopted a framework for regional technical cooperation in the Asian-Pacific designed to develop, inter alia:

National plans of action for the promotion and protection of human rights and the strengthening of national capacities;

Human rights education;

National institutions for the promotion and protection of human rights; and

Strategies for the realization of the right to development and economic, social and cultural rights.

7. The aims of the seventh workshop, held in New Delhi in February 1999, were, therefore, to review progress since Tehran in the four areas identified in the Framework for Regional Technical Cooperation in the Asian and Pacific Region (E/CN.4/1998/50, annex II). The workshop also attempted to identify the next steps and proposed options in the context of regional cooperation. It was therefore envisaged that the workshop would:

Review the follow-up action concerning the Regional Framework; and

Identify the next steps to be taken to facilitate the process of establishing regional cooperation for the promotion and protection of human rights and possible regional arrangements.

B. Preparatory process for the workshop

8. An open-ended working team comprising Geneva-based representatives of interested Member States from the Asian-Pacific region held two meetings in Geneva at the beginning of 1999, considering a variety of issues including the provisional programme for the workshop, rules of procedure, the Framework for Regional Technical Cooperation, an expert's background paper prepared for the workshop, as well as participation by national human rights institutions and non-governmental organizations. This preparatory process facilitated discussions at the workshop.

9. In view of the role of national human rights institutions and non-governmental organizations in considering regional arrangements, as well as paragraphs 5 and 7 of Commission resolution 1998/44, the provisional programme for the workshop and the Framework for Regional Technical Cooperation were also distributed to the national human rights commissions which are members of the Asia Pacific Forum and to regional and international NGOs active in the region and in consultative status with the Economic and Social Council, which were invited to the workshop by the High Commissioner for Human Rights. Subregional intergovernmental organizations in the region as well as United Nations and other international agencies and embassies in New Delhi were also invited to send observers to the workshop.

10. Prior to the beginning of the workshop, background papers were distributed to all participants. The Office of the High Commissioner for Human Rights compiled a preliminary compendium containing a selection of national plans of action for human rights and for human rights education established in countries of the Asian-Pacific region, and national legislation, decrees and constitutional provisions establishing the national

human rights institutions existing in the region. Two background papers, one by Mr. A. Singupta, independent expert of the Commission on Human Rights on the right to development, on realizing the right to development and another by Mr. C. Dias on regional cooperation for the promotion and protection of human rights were also made available to the participants. In addition, the report of the third Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, held in Jakarta from 7 to 9 September 1998, was also made available to all participants.

C. Participation

11. The New Delhi workshop enjoyed wide participation from all the Asian and Pacific subregions. Governments of the following 29 countries were represented: Australia, Bangladesh, Bhutan, Brunei Darussalam, China, Cyprus, Democratic People's Republic of Korea, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Malaysia, Mongolia, Myanmar, Nepal, New Zealand, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Saudi Arabia, Singapore, Sri Lanka, Syrian Arab Republic and Thailand.

12. The following national human rights commissions which are members of the Asia-Pacific Forum were also represented: Human Rights and Equal Opportunity Commission, Australia; Commission on Human Rights, Philippines; Human Rights Commission, New Zealand; National Commission on Human Rights, Indonesia; Human Rights Commission, Sri Lanka; National Human Rights Commission, India.

13. The following non-governmental organizations from the Asian-Pacific region or with a focus in the region, participated in the workshop: Asia-Pacific Human Rights Forum, World Muslim Congress, Asia Human Rights Documentation Centre, International Commission of Jurists, People's Watch-Tamil Nadu, Indian Council of Education, International Institute for Non-Aligned Studies, Coordinating Committee of Human Rights Organizations in Thailand, Brahma Kumaris World Spiritual University, International Alliance of Women, and Rashtriya Samajik Mahila Sangaman. In addition, the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) attended the workshop as observers.

D. Proceedings

14. On 16 February 1999, the workshop was opened with statements by the Minister for Foreign Affairs of the Republic of India and the United Nations High Commissioner for Human Rights. The workshop then discussed in detail the proposed areas of regional cooperation.

15. The workshop was divided into five sessions, during which the following subjects were dealt with: session I - Framework for Regional Technical Cooperation in the Asian and Pacific region; session II - National plans of action for the promotion and protection of human rights and the strengthening of national capacities and human rights education; session III - National institutions for the promotion and protection of human rights; session IV - Strategies for the realization of the right to development and economic, social and cultural rights; and session V - Prospects for and next steps in the development of regional cooperation in the Asian-Pacific region. In each of the sessions, discussion was preceded by an introductory statement by an expert.

16. Throughout the sessions, a number of participants referred to the guiding principles agreed during previous workshops, in particular: the importance of an inclusive, step-by-step, practical and "building-blocks" approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set up by the Governments of the region by consensus; the universality, indivisibility, interdependence and interrelatedness of all human rights - civil, cultural, economic, political, social - and the right to development; the belief that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights.

17. Many participants affirmed that the primary goal of the process that was under way was the development of regional cooperation through the building of national capacities and an exchange of experiences within the region, particularly on the basis of the regional cooperation programme developed and implemented by the Office of the High Commissioner for Human Rights. In that regard, participants welcomed the decision of the High Commissioner to allocate US$ 730,000 for the implementation of the regional projects foreseen under the Tehran Framework for Regional Technical Cooperation in the Asian and Pacific Region and took note of the decision by the High Commissioner to make available, at the request of Member States, the services of a regional human rights adviser as a regional project officer in connection with the implementation of technical cooperation in the Asian-Pacific region. The terms of reference of the regional human rights adviser are attached to the report as annex I.

18. National practices and experiences were briefly described by a number of representatives, who shared positive initiatives recently taken in their own countries. These included the following:

Human rights education action plans;

National plans of action in the field of human rights (including their preparation);

Legislative reform;

Establishment and strengthening of national human rights institutions;

Strategies for the realization of the right to development and economic, social and cultural rights;

Signature and/or ratification of international human rights instruments;

Increased NGO participation in and contribution to the promotion and protection of human rights;

Technical cooperation projects.

19. There was consensus on the central role which had been and would be played by the annual intergovernmental workshops, with the assistance of the team in Geneva. The annual workshop, therefore, should be the key forum for

discussion of initiatives for regional cooperation, including through the proposed technical cooperation programme. In this connection, participants at the workshop decided that the future annual workshops should hold an in-depth discussion of a specific theme pertaining to one of the four areas identified under the Tehran Framework, to be agreed upon by the team in Geneva comprising Geneva-based representatives of the Governments of the Asian-Pacific region.

20. The exchange of views concerning the strengthening of national human rights capacities by sharing of expertise, experiences and best practices was followed by a request to establish a Bulletin Board on the regional technical cooperation activities under the Tehran Framework

21. Finally, the workshop called upon the Office of the High Commissioner for Human Rights to develop and implement the proposals for the steps to be taken in the four areas identified in the Tehran Framework, as agreed upon in New Delhi, and to report periodically to the team in Geneva as well as to the next workshop on the progress achieved. These proposals are attached to this report as annex II.

E. Conclusions of the workshop

22. Following informal consultations and discussions in the plenary session, the seventh workshop arrived at agreed conclusions on 18 February 1999. The text of the conclusions is attached to this report as annex III.

II. UNITED NATIONS PROGRAMME OF TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION

23. OHCHR continues to pay particular attention to ensuring that the countries of the Asian and Pacific region benefit from all the activities under the programme of technical cooperation in the field of human rights funded either through the United Nations regular budget or the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

24. As of mid-1998, OHCHR had ongoing technical cooperation projects and activities in the following countries of the Asian-Pacific region: Bhutan, Cambodia, Mongolia, Nepal and Papua New Guinea; there were also activities being undertaken in Palestine. The projects dealt with the administration of justice, the penal system, establishment of a national human rights commission, raising public awareness of human rights and facilitating national incorporation and implementation of international human rights treaties. As of 30 September 1998 the technical cooperation budgetary allocation for the Asian-Pacific region constituted 11.9 per cent of the total budget as compared with 18 per cent in 1997*.

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* This figure does not include technical cooperation-related activities being developed in Indonesia, China and Yemen or several significant missions by the Special Adviser on National Institutions to advise countries in the region wishing to establish such institutions (e.g. Bangladesh, Fiji, Thailand).

25. For 1999, OHCHR has technical cooperation projects in an advanced stage of formulation in the following countries of the Asia and Pacific region:

(a) Indonesia: support for the implementation of the National Plan of Action on Human Rights. Following the memorandum of intent signed by the Government and OHCHR in October 1994 and the memorandum of understanding signed in August 1998, a technical cooperation project which will require the establishment of a field office to support all programmes and activities is expected to start in early 1999;

(b) Philippines: protecting the rights of children in conflict with the law. The project is being implemented jointly by OHCHR and UNICEF;

(c) Viet Nam: a project in the area of the administration of juvenile justice is being planned.

26. Three projects formulated by OHCHR in 1998 were relevant to the Tehran Framework and the concerns addressed by the New Delhi workshop:

(a) A project with the Indonesian National Commission on Human Rights to facilitate the organization of the third Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions (Jakarta, 7-9 September 1998) to promote cooperation between and strengthen existing national institutions and to encourage States in the process of establishing national human rights institutions;

(b) A global project to strengthen the OHCHR programme on national institutions by developing a coordinated strategy on national institutions for adoption and implementation by the High Commissioner; and

(c) A global programme on integration of economic, social and cultural rights into technical cooperation practices and procedures by:

(i) Undertaking a detailed assessment of past and current technical cooperation practices with respect to economic, social and cultural rights;

(ii) Collecting and collating relevant expertise from other United Nations technical cooperation agencies;

(iii) Developing a resource guide to economic, social and cultural rights;

(iv) Developing a manual for United Nations officials and practitioners on economic, social and cultural rights;

(v) Developing, executing and evaluating a training programme (comprising two training courses) on economic, social and cultural rights for the staff of the technical cooperation programme.

27. For 1999, the OHCHR technical cooperation programme envisages activities in some 13 Asian-Pacific countries with activities including needs-assessment

missions, support for national human rights plans of action, support for establishing and strengthening national institutions and systems of administration of justice, establishing national forensic units and support for participation in workshops and other regional activities, in such countries as Bangladesh, China, Yemen and the Islamic Republic of Iran.

28. Technical cooperation between OHCHR and China was discussed and agreed upon during the High Commissioner's visit to China. As indicated in the memorandum of intent signed on 7 September 1998, a follow-up visit has already been agreed. The primary objective of the visit, which will take place in March 1999, is, inter alia, to review the technical assistance needs for strengthening national capacities in promoting and protecting the rule of law, democracy and all human rights.

29. The attention of the Commission is drawn to the Secretary-General's report on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1999/99), which contains detailed information regarding the activities undertaken in 1998 in the context of the United Nations programme of technical cooperation.

III. ACTIVITIES OF NATIONAL HUMAN RIGHTS INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION

30. The third Annual Meeting of the Asia-Pacific Forum, which was held in Jakarta in September 1998, brought together senior representatives of the 6 national human rights commissions in the region, and observers from 12 Governments from within the region and 3 Governments (Canada, Norway and the United Kingdom) from outside the region. Also present were representatives of institutions in Fiji, Hong Kong and the Islamic Republic of Iran, and several international, regional and national NGOs. Two commissions from outside the region (Canada and South Africa) were also represented. The meeting adopted a specific theme, "Human Rights and the Economic Crisis in the Asia-Pacific", and examined the role of national institutions both at the domestic and the international level. Developments in States within the region engaged in establishing national institutions and developments at international level to strengthen national institutions were reviewed. Participants at the Forum anticipated that national human rights commissions would be established in Bangladesh, Fiji, Mongolia, Nepal, Papua New Guinea, the Republic of Korea and Thailand by the end of 1999.

31. A number of important outcomes of the Jakarta meeting included the establishment of an Advisory Council of Jurists to assist in developing human rights jurisprudence, the establishment of a Forum Website and the decision to hold a workshop in 1999 on working in partnership with NGOs. The report of this meeting is available for consultation at the secretariat.

IV. STATUS OF ADHERENCE BY STATES IN THE ASIAN AND PACIFIC REGION TO THE PRINCIPAL INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

32. The following is a list of 46 States of the Asian-Pacific region that are parties to the United Nations human rights instruments listed, along with the year of their adherence/acceptance ("s" indicates that the State party is a signatory). An asterisk signifies acceptance by the State party of the competence of the relevant treaty body to receive and process individual communications. As at 2 February 1999, 185 States Members of the United Nations and 8 non-member States were parties to one or more of these instruments.

State party	ICESCR	ICCPR	OPT1	OPT2	CERD	CEDAW	CAT	CRC	MWC	No. treaties ratified
Afghanistan	1983	1983	-	-	1983	s:1980	1987	1994	-	5
Australia	1975	1980	1991	1990	1975*	1983	1989*	1990	-	8
Bahrain	-	-	-	-	1990	-	1998	1992	-	3
Bangladesh	1998	-	-	-	1979	1984	1998	1990	1998	6
Bhutan	-	-	-	-	s:1973	1981	-	1990	-	2
Brunei Darussalam	-	-	-	-	-	-	-	1995	-	1
Cambodia	1992	1992	-	-	1983	1992	1992	1992	-	6
China	s:1997	s:1998	-	-	1981	1980	1988	1992	-	4
Cyprus	1969	1969	1992	-	1967*	1985	1991*	1991	-	7
Democratic People's Republic of Korea	1981	1981		-	-	-	-	1990	-	3
Fiji	-	-	-	-	1973	1995	-	1993	-	3
India	1979	1979	-	-	1968	1993	s:1997	1992	-	5
Indonesia	-	-	-	-	-	1984	1998	1990	-	3
Iran (Islamic Republic of)	1975	1975	-	-	1968	-	-	1994	-	4
Iraq	1971	1971	-	-	1970	1986	-	1994	-	5
Japan	1979	1979	-	-	1995	1985	-	1994	-	5
Jordan	1975	1975	-	-	1974	1992	1991	1991	-	6
Kuwait	1996	1996	-	-	1968	1994	1996	1991	-	6
Lao People's Democratic Republic	-	-	-	-	1974	1981	-	1991	-	3
Lebanon	1972	1972	-	-	1971	1997	-	1991	-	5
Malaysia	-	-	-	-	-	1995	-	1995	-	2
Maldives	-	-	-	-	1984	1993	-	1991	-	3
Marshall Islands	-	-	-	-	-	-	-	1993	-	1

State party	ICESCR	ICCPR	OPT1	OPT2	CERD	CEDAW	CAT	CRC	MWC	No. treaties ratified
Micronesia (Federated States of)	-	-	-	-	-	-	-	1993	-	1
Mongolia	1974	1974	1991	-	1969	1981	-	1990	-	6
Myanmar	-	-	-	-	-	1997	-	1991	-	2
Nepal	1991	1991	1991	1992	1971	1991	1991	1990	-	8
New Zealand	1978	1978	1989	1990	1972	1985	1989*	1993	-	8
Oman	-	-	-	-	-	-	-	1996	-	1
Pakistan	-	-	-	-	1966	1996	-	1990	-	3
Palau	-	-	-	-	-	-	-	1995	-	1
Papua New Guinea	-	-	-	-	1982	1995	-	1993	-	3
Philippines	1974	1986	1989	-	1967	1981	1986	1990	1995	8
Qatar	-	-	-	-	1976	-	-	1995	-	2
Republic of Korea	1990	1990	1990	-	1978*	1984	1995	1991	-	7
Samoa	-	-	-	-	-	1992	-	1994	-	2
Saudi Arabia	-	-	-	-	1997	-	1997	1996	-	3
Singapore	-	-	-	-	-	1995	-	1995	-	2
Solomon Islands	1982	-	-	-	1982	-	-	1995	-	3
Sri Lanka	1980	1980	1997	-	1982	1981	1994	1991	1996	8
Syrian Arab Republic	1969	1969	-	-	1969	-	-	1993	-	4
Thailand	-	1996	-	-	-	1985	-	1992	-	3
United Arab Emirates	-	-	-	-	1974	-	-	1997	-	2
Vanuatu	-	-	-	-	-	1995	-	1993	-	2
Viet Nam	1982	1982	-	-	1982	1982	-	1990	-	5
Yemen	1987	1987	-	-	1972	1984	1991	1991	-	6
TOTAL	23	22	8	3	32	32	17	46	3	

Key

ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
OPT1	Optional Protocol to the ICCPR
OPT2	Second Optional Protocol to the ICCPR
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
MWC	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Annex I

TERMS OF REFERENCE FOR A REGIONAL HUMAN RIGHTS ADVISER
FOR THE ASIAN-PACIFIC REGION

Mandate

1. The General Assembly established the programme of advisory services in the field of human rights in its resolution 926 (X) of 14 December 1955.

2. In the Vienna Declaration and Programme of Action (Part II, para. 7), "The World Conference on Human Rights recommends that Human Rights officers be assigned if and when necessary to regional offices of the United Nations with the purpose of disseminating information and offering training and other technical assistance in the field of human rights upon the request of concerned Member States ...".

Functions

3. The Regional Human Rights Adviser would provide assistance to countries of the region in connection with the implementation of technical cooperation programmes particularly in the areas referred to in the Framework for Regional Cooperation agreed upon in Tehran; be available for consultation with Governments on technical cooperation-related issues; assist, at the request of Governments, in developing technical cooperation programmes; participate as a resource person in seminars, workshops and other forums organized by the Governments of the region.

Administrative and logistical arrangements

4. The Regional Adviser would be based in a United Nations office or UNDP regional office in the region (e.g. ESCAP) and provided with basic administrative and secretariat support from within that United Nations or UNDP office.

Budget

5. The Regional Adviser would be funded from the regular technical cooperation budget of the United Nations available to OHCHR. That budget complements assistance available to developing countries under other United Nations programmes.

Annex II

PROPOSALS FOR THE NEXT STEPS TO BE TAKEN TO FACILITATE THE PROCESS OF REGIONAL COOPERATION FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND POSSIBLE REGIONAL ARRANGEMENTS

The seventh workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region held in New Delhi from 16 to 18 February 1999 recommended that the following activities be organized under the regional technical cooperation programme during the period 1999-2000:

1. National plans of action for the promotion and protection of human rights and the strengthening of national capacities

(a) Inter-sessional regional workshop in Thailand on national plans of action for the promotion and protection of human rights. The workshop could, inter alia: examine the contribution that national plans of action can make to the advancement of human rights; learn from practical experience of States about the process of developing national plans of action; formulate strategies for the creation of comprehensive national plans of action, including strategies for implementation; identify the key components of national plans of action;

(b) Inter-sessional regional workshop on compliance with reporting obligations under international human rights standards.

2. Human rights education

(a) Inter-sessional regional workshop to share experiences and discuss best practices concerning national plans of action for human rights education and related activities;

(b) Additional activities by the Office of the High Commissioner for Human Rights, in cooperation with UNESCO, in this area could include: exchange of experiences in the field of human rights education involving national authorities responsible for education, in particular officials in charge of framing curricula at school level; establishment of and support to human rights programmes in universities in the region; programmes of training and higher education fellowships for scholars and officials of the region specializing in human rights, particularly in institutions of higher learning within the region; development of networking among educational institutions in the region specializing in human rights issues; development and dissemination of printed and audio-visual material on human rights education in English as well as major languages of the region.

3. National institutions for the promotion and protection of human rights

(a) Inter-sessional regional workshop on national human rights institutions for countries in the region interested in establishing such institutions;

(b) Support to the workshops to be organized by the Asian-Pacific Forum in Sri Lanka in June 1999 and in Manila in September 1999.

4. Strategies for the realization of the right to development and economic, social and cultural rights

(a) Inter-sessional regional workshop on the right to development and economic, social and cultural rights focusing on the implementation of these rights and steps to be taken in this regard at the national and international levels;

(b) The inter-sessional regional workshop should focus, inter alia, on issues relating to international cooperation including quantifiable benchmarks for the implementation of the right to development; identifying obstacles to the realization of these rights; and proposing relevant actions to strengthen national capacities for the promotion and protection of these rights. The inter-sessional regional workshop should include among the participants national planning authorities, national institutions, international development and financial institutions as well as development cooperation experts.

Annex III

CONCLUSIONS OF THE SEVENTH WORKSHOP ON REGIONAL ARRANGEMENTS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIAN AND PACIFIC REGION (NEW DELHI, 16-18 FEBRUARY 1999)

Representatives of Governments of the Asian and Pacific region attending the New Delhi workshop held from 16-18 February 1999,

Recalling the important contributions made by previous workshops and in particular the Framework for Regional Technical Cooperation agreed to at the Tehran workshop, held from 28 February to 2 March 1998,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights - civil, cultural, economic, political, social - and the right to development,

Recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Committed to enhancing regional cooperation to promote universal respect for, and observance of human rights and fundamental freedoms,

Mindful of the vastness of and diversities within the Asian and Pacific region,

Welcoming the participation of the United Nations High Commissioner for Human Rights in the New Delhi workshop,

Expressing appreciation for the inspiring addresses of H.E. Mr. Jaswant Singh, Minister of External Affairs, and Ms. Mary Robinson, United Nations High Commissioner for Human Rights, at the opening session of the workshop,

Having reviewed the progress achieved in implementing the regional technical cooperation programme agreed upon in Tehran,

Welcoming the in-depth discussions held during the workshop on the effective realization of the right to development and economic, social and cultural rights and expressing appreciation for the paper presented by Mr. A. Sengupta, the independent expert on the right to development of the Commission on Human Rights,

Reiterate the importance of an inclusive, step-by-step, practical and "building-blocks" approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set by the Governments of the region by consensus;

Reaffirm that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights;

Call for the mainstreaming and effective coordination of technical cooperation activities in all areas of human rights as an essential element of promotional approaches that build capacity and ensure effective solutions;

Affirm that the primary goal of the process under way is the development of regional cooperation through the building of national capacities and an exchange of experiences within the region, particularly on the basis of the regional technical cooperation programme developed and implemented by the Office of the High Commissioner for Human Rights, with the support of the international community through the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

Reaffirm that the central decision-making role in determining the content of the regional technical cooperation programme, evaluating the progress achieved and determining actions to be taken under the programme in the future will continue to be played by the annual intergovernmental workshop with the assistance of the open-ended team in Geneva comprising Geneva-based representatives of the Governments of the Asian-Pacific region;

Recognize that the continuing process of regional cooperation and its practical results are essential to discussions on possible regional arrangements;

Welcome the decision of the High Commissioner to allocate US$ 730,000 for the implementation of the regional projects foreseen under the Framework for Regional Technical Cooperation for the Asian and Pacific Region adopted in Tehran;

Take note of the decision made by the United Nations High Commissioner for Human Rights to make available, at the request of Member States, the services of a regional human rights adviser as a regional project officer in connection with the implementation of technical cooperation in the Asian-Pacific region in accordance with the Framework for Regional Technical Cooperation;

Welcome the reports of the Office of the High Commissioner for Human Rights on the activities carried out since Tehran in the four areas of the Framework for Regional Technical Cooperation;

Welcome the indication provided by the Governments of Thailand and Japan that they would host a regional inter-sessional workshop each in one of the four areas;

Call upon the Office of the High Commissioner for Human Rights to establish a Bulletin Board on the regional technical cooperation activities under the Framework for Regional Technical Cooperation;

Decide that the annual regional workshop should take up for in-depth discussion a specific theme, pertaining to one of the four areas identified under the Framework for Regional Technical Cooperation, to be agreed upon by the open-ended team in Geneva;

Call upon the Office of the High Commissioner for Human Rights to develop and implement the proposals made in New Delhi in the four areas in the Framework for Regional Technical Cooperation and to report periodically to the open-ended team in Geneva as well as to the next workshop on the progress achieved.

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Item 18 (b) of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1998/55

Introduction

1. The Commission on Human Rights, in its resolution 1998/55, reaffirmed the importance of developing effective, independent and pluralistic national institutions for the promotion and protection of human rights, in conformity with the Principles relating to the status of national institutions (adopted by the General Assembly in resolution 48/134 of 20 December 1993).

2. The Commission considered it important for national institutions which conform with the Principles relating to the status of national institutions to participate in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies. It requested the Secretary-General to submit to the Commission a report including a detailed analysis of the implications of the possible forms of participation by national institutions in these meetings, and considered that existing practices should be continued in the interim to provide for such participation.

3. Pursuant to Commission resolution 1998/55, the present report contains information on the various activities undertaken by the Office of the High Commissioner for Human Rights (OHCHR) to establish and strengthen national institutions, and on the measures taken by national institutions themselves.

I. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

4. At its nineteenth session, held at Geneva from 16 November to 4 December 1998, the Committee on Economic, Social and Cultural rights adopted, on 1 December, a general comment on the role of national human rights institutions in the protection of economic, social and cultural rights (E/C.12/1998/25). The Committee noted that national human rights institutions had a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights. Unfortunately, this role had too often either not been accorded to the institution or had been neglected or accorded low priority. It was therefore essential that full attention be given to economic, social and cultural rights in all relevant activities of these institutions. Several types of activities could be, and in some instances already had been, undertaken by national institutions in relation to these rights, including:

(a) The promotion of educational and information programmes designed to enhance awareness and understanding of economic, social and cultural rights both within the population at large and among particular groups such as the public service, the judiciary, the private sector and the labour movement;

(b) The scrutinizing of existing laws and administrative acts as well as draft bills and other proposals to ensure that they are consistent with the requirements of the Covenant;

(c) Providing technical advice or undertaking surveys in relation to economic, social and cultural rights, including when requested by the public authorities or other appropriate agencies;

(d) The identification of national-level benchmarks against which the realization of Covenant obligations could be measured;

(e) Conducting research and inquiries designed to ascertain the extent to which particular economic, social and cultural rights are being realized, either within the State as a whole or in areas or in relation to communities of particular vulnerability;

(f) Monitoring compliance with specific rights recognized under the Covenant and providing reports thereon to public authorities and civil society;

(g) Examining complaints alleging violations of applicable economic, social and cultural rights standards within the State.

5. The Committee called upon States parties to ensure that the mandates accorded to all national human rights institutions include appropriate attention to economic, social and cultural rights and requested States parties to include details both on the mandates and the major relevant activities of such institutions in their reports to the Committee.

II. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS FOR THE ESTABLISHMENT AND STRENGTHENING OF NATIONAL HUMAN RIGHTS INSTITUTIONS

6. Both the General Assembly and the Commission on Human Rights have requested the High Commissioner for Human Rights to accord priority to the establishment and strengthening of national human rights institutions. Such assistance is now a major component of the technical cooperation programme and is provided, in particular, by and through the Special Adviser to the High Commissioner on National Institutions, Regional Arrangements and Preventive Strategies. This assistance is generally financed by contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights which are often specifically earmarked for national institutions. OHCHR activities in support of national institutions can be broadly divided into two areas: the provision of practical advice and assistance to those involved in the establishment of new national institutions or the strengthening of existing ones; and facilitating international and regional meetings of national institutions. In 1998, assistance to such meetings included regional forums both in Africa and Asia.

7. A rapidly growing number of countries in Africa, Asia and the Pacific, Central and Eastern Europe and Latin America were the focus of technical cooperation initiatives in 1998. Establishing an appropriate constitutional or legislative foundation for any new national institution is of primary importance; crucial decisions concerning the nature, functions, powers and responsibilities of the institutions must be taken during the preparatory phase. The Special Adviser on National Institutions provided advice to government authorities, at their request, on suitable models, from a comparative perspective, as well as information and expertise to facilitate the process of legislative drafting. He provided advice or assistance to Governments in the process of establishing national human rights institutions or contemplating the establishment of such institutions in Mauritius, Liberia, Ethiopia, Kenya, Papua New Guinea, Nepal, Bangladesh, Mongolia, Thailand, Jordan, Fiji, the Republic of Korea, Kazakhstan, Uzbekistan, Kyrgyzstan, Armenia and, most recently, Ecuador and Ireland.

8. During the last two years, the Special Adviser also provided support to several recently established national institutions including: the South African Human Rights Commission, the Zambian Human Rights Commission, the Human Rights Commission of Malawi, the Ugandan Human Rights Commission, the Latvian Human Rights Office and the Moldovan Human Rights Centre.

9. Mainstreaming activities relating to the establishment or strengthening of national human rights institutions into the programme of the Office of the High Commissioner is also a priority in the technical cooperation field. Several projects, financed through the Voluntary Fund for Technical Cooperation, are providing support for this specific activity. Recent technical cooperation projects include: capacity development of the National Human Rights Office in Latvia; facilitating the establishment of an independent National Human Rights Institution in the Republic of Moldova; establishment and capacity development of a Human Rights Commission in Papua New Guinea; capacity-building of the Public Defender's Office of Georgia.

10. Three regional projects for the promotion of national human rights institutions in Asia and the Pacific were approved by the Board of Trustees of the Voluntary Fund for Technical Cooperation at its tenth session, held from 30 November to 3 December 1998: a training programme on economic, social and cultural rights; the development of a training programme on investigatory techniques for representatives of national institutions; and a project to support the Third Regional Meeting of the Asia-Pacific Forum of National Human Rights Institutions.

11. Many of these activities have been conducted in close cooperation with the United Nations Development Programme (UNDP). Within the framework of the memorandum of understanding concluded with UNDP in 1998, several projects to establish national institutions were implemented jointly by OHCHR and UNDP, with resources from both organizations (for example, in Albania, Bangladesh, Latvia, Uganda, Republic of Moldova).

III. SECOND CONFERENCE OF AFRICAN NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

12. The Second Conference of African National Institutions was held in Durban, South Africa, from 30 June to 3 July 1998, hosted by the South African Human Rights Commission and convened by the Office of the High Commissioner for Human Rights and the Coordinating Committee of African National Institutions. President Nelson Mandela officially opened the Conference, and keynote addresses were delivered by Mary Robinson, High Commissioner for Human Rights, Mr. Justice Youssoupha Ndiaye, Chairman of the African Commission on Human and Peoples' Rights, and Dr. Solomon Nfor Gwei, Convenor of the Coordinating Committee of African National Institutions. The Conference was attended by 20 national institutions (16 from Africa; 4 from other regions), observers from a number of African or other States, and several major non-governmental organizations. The South African Minister of Justice also attended the Conference.

13. The Conference adopted the "Durban Declaration" at its closing session, in which the African national institutions reaffirmed their attachment to the principles enshrined in the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments. Participants also reaffirmed the indivisibility, universality and interdependence of human rights, pursuant to the Vienna Declaration and Programme of Action, and recognized the need to bring the collective voice of Africa to the promotion and effective use of African human rights instruments for the enforcement of human rights. The Durban Declaration welcomed the growing interest shown worldwide in the establishment or strengthening of independent and pluralistic national institutions, particularly in Africa, and reaffirmed the important role that national institutions must play, both with regard to their responsibilities vis-à-vis Governments and their responsibility to promote human rights and provide effective redress when those rights are violated.

14. The Declaration reaffirmed the importance of creating and developing national institutions in African countries, in conformity with the Principles relating to the status of national institutions (Paris Principles), in order

to ensure their credibility, integrity, independence and effectiveness; and encouraged States that have not yet done so to establish such institutions in conformity with the Paris Principles. The importance of adopting National Plans of Action for Human Rights and the coordinating and consultative role of national institutions in producing such Plans was also emphasized.

15. The Durban Declaration recognized that the efficiency of National Institutions is enhanced when they operate in an enabling environment that includes a working democracy, good governance and an independent judiciary. It encouraged the adoption of practical, appropriate and effective human rights education strategies for the general public, with particular focus on law enforcement institutions, such as the police and the military, and in the administration of justice. It also underlined the importance of cooperation between national institutions and civil society, non-governmental organizations and community-based organizations. It urged national institutions to emphasize the promotion and realization of economic, social and cultural rights, the right to development and the eradication of poverty.

16. The Durban Declaration underlined the importance of strengthening national institutions through international, regional and subregional exchanges of expertise, resources and information and encouraged the establishment of subregional forums to facilitate such exchanges. It called on existing national institutions and the Office of the High Commissioner for Human Rights to give support and advice to States in the process of establishing national institutions, and urged States to increase their contribution to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for this purpose.

17. The Conference also urged the African Commission on Human and Peoples' Rights to adopt, at its next session, an appropriate resolution on the effective participation of African national institutions in the work of the Commission. It encouraged African States to ratify the Additional Protocol to the African Charter on Human and Peoples' Rights on the establishment of the African Court on Human Rights, and urged States to support the establishment of an independent and effective International Criminal Court. The Conference also welcomed the adoption of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights, and called on African States to take appropriate steps towards implementation of the Declaration.

18. Finally, the Conference welcomed the convening of the African Ministerial Conference on Human and Peoples' Rights and recommended that national institutions and non-governmental organizations be able to participate appropriately, and decided to transmit the Durban Declaration to the Conference.

19. A report on the progress made in implementing the Durban Declaration will be submitted by the Coordinating Committee of African National Institutions to the Third Conference of African National Institutions in the year 2000.

IV. THIRD ANNUAL MEETING OF THE ASIA-PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

20. The third Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, held in Jakarta from 7 to 9 September 1998, was hosted by the Indonesian National Commission on Human Rights. It was co-sponsored by the Office of the High Commissioner for Human Rights and supported by the Australian Agency for International Development.

21. The President of Indonesia officially opened the meeting, and keynote addresses were delivered by the Acting Chair of the Indonesian National Commission on Human Rights and the Special Adviser on National Institutions to the High Commissioner for Human Rights. Representatives of the six national human rights institutions of the Asia-Pacific Forum (Australia, India, Indonesia, New Zealand, the Philippines and Sri Lanka), participated in the meeting, as well as observers from Governments in the process of establishing national institutions in conformity with the Paris Principles (Bangladesh, Fiji, Mongolia, Nepal, Papua New Guinea, the Republic of Korea and Thailand). Observers from international, regional and national non-governmental organizations also attended the meeting.

22. Participants reaffirmed that the status and responsibility of national institutions should be consistent with the Paris Principles and that national institutions should be independent, pluralistic and based on universal human rights standards.

23. The theme for this Conference was "Human Rights and the Economic Crisis in the Asia-Pacific". The Forum expressed its deep concern at the effect of the economic crisis on economic, social and cultural rights, and that the economic crisis should not be used as the occasion for the further restriction of civil and political rights in the region. The Forum requested the High Commissioner for Human Rights to encourage the development and strengthening of mechanisms by which intergovernmental and transnational organizations are made conscious of the human rights consequences of their policies, programmes and activities. The Forum drew the attention of the High Commissioner to the need for international financial institutions to consider how they could best conduct their activities in a manner that furthered the international standards embodied in the International Bill of Rights, including preparing human rights impact statements on their policies and actions.

24. The Forum called on all Governments, to give explicit effect to their commitment to the indivisibility of human rights, including through their input into the policies and actions of international financial institutions and of international and regional economic forums such as the World Trade Organization and the Asia-Pacific Economic Cooperation Council. Forum members also decided to convey their concerns to their respective Governments and to the High Commissioner for Human Rights. Member commissions resolved to give high priority to addressing the human rights consequences of the economic crisis and decided to seek to arrange a workshop on the observance in the region of economic, social and cultural rights.

25. The Forum welcomed the increasing level of technical cooperation activities aimed at the establishment and strengthening of national

institutions. It encouraged member commissions to propose programmes of technical cooperation in consultation and cooperation with OHCHR.

26. It also agreed to establish an Advisory Council of Jurists to assist in developing regional human rights jurisprudence and on terms of reference for the membership and functioning of this Council.

27. The Forum condemned the practice of child sexual exploitation as a gross abuse of human rights. It called upon all Governments in the Asian-Pacific region to take measures to combat child sexual exploitation, including improved law enforcement; to make changes in social policy; and to undertake public education campaigns and measures to assist affected individuals and communities. It suggested to the High Commissioner for Human Rights that the issue of sexual exploitation of children should be a major theme of one of the workshops mandated by the sixth meeting of the United Nations Asia-Pacific Regional Workshop of National Human Rights Institutions held in Tehran in February 1998.

28. Forum members indicated they accord high priority to the human rights of women and to eliminating discrimination against women and they condemned violence against women in all its forms.

29. The Forum endorsed the vital role of civil society in the promotion and protection of human rights and agreed to hold a workshop in 1999 on "National Institutions and Non-Governmental Organizations: Working in Partnership".

30. Participants welcomed the establishment of the Asia-Pacific Forum Website and its linkage to other human rights sites, including the OHCHR Website.

31. The Forum requested the High Commissioner for Human Rights to facilitate close cooperation between national institutions in the Asian-Pacific region and periodic meetings of the Forum, including by ensuring that the necessary resources are available for work relating to national institutions. Participants welcomed the suggestion that the Forum and the High Commissioner should agree to a memorandum of understanding as a basis for their cooperation and requested the secretariat of the Forum to pursue this matter with the Office of the High Commissioner.

32. It also requested the High Commissioner to consider a more equitable allocation of funds for technical assistance to the Asian-Pacific region and, in this context, welcomed the attention given at the sixth United Nations Asia-Pacific Regional Workshop to the establishment and strengthening of national human rights institutions.

33. The Forum reiterated its recommendation that the United Nations should formally recognize the unique status and character of independent national human rights institutions and take further steps to ensure that they are able to participate in their own right in United Nations human rights forums.

34. Finally, the Philippines Commission on Human Rights offered to host the fourth annual meeting of the Asia-Pacific Forum of National Human Rights Institutions in 1999, and this offer was accepted.

V. FIRST MEETING OF MEDITERRANEAN NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

35. The first meeting of Mediterranean National Institutions for the Promotion and Protection of Human Rights was held in Marrakesh, Morocco, from 27 to 29 April 1998. It was organized by the Advisory Council for Human Rights of Morocco, with support from the Office of the High Commissioner for Human Rights and in cooperation with the National Consultative Commission on Human Rights of France.

36. The High Commissioner for Human Rights and the Chairman of the Advisory Council for Human Rights of Morocco addressed the inaugural ceremony. Representatives of national institutions, ombudsmen and mediators from the Mediterranean region participated, as well as observers from non-governmental organizations and various human rights institutions.

37. Working sessions focused on presentation by national institutions of their activities, achievements and prospects and the sharing of experiences; on international and regional cooperation for the promotion and protection of human rights; cooperation for human rights within the framework of follow-up to the Barcelona Declaration adopted in November 1995; and free movement of people and human rights with particular reference to the northern and southern part of the Mediterranean basin.

38. Participants adopted the "Marrakesh Declaration", in which they underlined the need to extend and enhance all forms of cooperation among the countries of the Mediterranean basin, with a view to strengthening and developing existing national institutions, assisting the establishment of such institutions in States where they do not exist and strengthening collaboration between these institutions and non-governmental organizations.

39. Participants paid tribute to the positive action of the High Commissioner for Human Rights in supporting national human rights institutions. They called on the High Commissioner, as well as the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe to provide technical assistance to support national endeavours aimed at promoting and protecting human rights in Mediterranean countries, in particular the countries of the southern shore. In this regard, they welcomed the agreement between the High Commissioner and the Government of Morocco concerning the establishment of a training, information and documentation centre on human rights.

40. Participants also welcomed the prospects raised at the Euro-Mediterranean Conferences held in Barcelona and Malta for cooperation between countries north and south of the Mediterranean towards achieving sustainable human development and shared prosperity. They considered that the organization of a Euro-Mediterranean economic space should be supported by strengthening cooperation in the promotion and protection of human rights, in particular through education and training.

41. Participants recognized the important role played by migrants in their relations, and expressed determination to act, both at the multilateral and the bilateral level, to ensure that migrants from any country are treated in

full compliance with human rights, basic freedoms and humanitarian principles. They invited States to ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their families.

42. Participants affirmed that national sovereignty should not be exercised at the expense of respect for human rights, and that real efforts towards the co-development of countries north and south of the Mediterranean, as well as the strengthening of the rule of law, would contribute to reducing erratic migratory flows and facilitate economic cooperation, mutual understanding and cultural exchanges.

43. Participants also affirmed their strong wish, following the fourth International Workshop on Ombudsman and National Human Rights Institutions held in Mérida, Mexico in November 1997, to see the High Commissioner for Human Rights take concrete measures to strengthen the participation of national institutions in international forums, such as the Economic and Social Council and the Commission on Human Rights.

44. Finally, participants decided to establish a committee, composed of the Chairpersons of national human rights institutions who participated in the first Mediterranean meeting, to follow up on the conclusions and recommendations of the Marrakesh Declaration.

VI. MEETINGS OF THE COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS

45. The Coordinating Committee, created pursuant to a recommendation by the International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Tunis, in December 1993, and endorsed by the Commission on Human Rights in resolution 1994/54, constitutes an international network promoting the establishment and strengthening of national human rights institutions in conformity with the Paris Principles. It encourages international coordination of activities and cooperation among national institutions; organizes international workshops of national institutions; liaises with the Office of the High Commissioner for Human Rights and other international organizations concerned with the promotion and protection of human rights and, upon request, assists Governments to establish a national institution.

46. The High Commissioner for Human Rights addressed the opening session of the Coordinating Committee, and said she attached the highest priority to the establishment and strengthening of national institutions. The High Commissioner pointed to the need to encourage the establishment of more national institutions in conformity with the Paris Principles, but indicated that the Special Adviser on National Institutions was already working in more than 40 countries. Additional staff and financial resources were necessary to conduct the programme, and this required more contributions to the Voluntary Fund for Technical Cooperation. The importance of regional cooperation in strengthening national institutions was also emphasized by the High Commissioner.

47. At its sixth meeting, held in Geneva on 2, 3 and 6 April 1998, in conjunction with the annual session of the Commission on Human Rights, the

Coordinating Committee considered in detail provisional rules of procedure for its work, on the basis of a draft introduced by the Chairperson, the Chief Commissioner of the New Zealand Human Rights Commission. (The provisional rules adopted by the Coordinating Committee at its meeting on 6 April 1998 will be submitted to the next International Workshop for ratification.)

48. It was agreed that the Coordinating Committee would be expanded to 16 members, with 4 members elected from among each regional group for a two-year renewable term according to the following regional groupings: Africa, Europe, the Americas and the Asian-Pacific region. As an interim arrangement, the following membership of the Committee was agreed:

Europe:	Danish Centre for Human Rights; Latvian National Human Rights Office; Consultative Commission on Human Rights of France; Swedish Ombudsman against Ethnic Discrimination.
Africa:	Advisory Council for Human Rights of Morocco; South African Human Rights Commission; National Human Rights Commission of Togo; National Commission on Human Rights and Freedoms of Cameroon.
Americas:	Canadian Human Rights Commission; National Commission for Human Rights of Mexico; *Defensoria de los Habitantes* of Costa Rica; *Defensor del Pueblo de la Nación* of Argentina.
Asia-Pacific:	National Human Rights Commission of India; Commission on Human Rights of the Philippines; Human Rights and Equal Opportunity Commission of Australia; Human Rights Commission of New Zealand.

49. During the meeting, it was also decided that the National Human Rights Commission of India would continue to chair the Coordinating Committee for one year during this transitional period. The National Commission for Human Rights of Mexico was nominated as Vice-Chair. It was also agreed to establish a membership subcommittee, to be called the Accreditation Committee, in accordance with the provisional rules of procedure, consisting of one representative of each of the four regions. The Coordinating Committee named the national institutions of Canada, France, Cameroon and Australia as members of this committee. Any national institution seeking membership in the Coordinating Committee should apply to its Chairperson and supply, in support of its application: a copy of the legislation or other instrument by which it is established; an outline of its organizational structure, including staff and annual budget; a copy of its most recent annual report or equivalent document; and a detailed statement indicating its compliance with the Paris Principles or an outline indicating in what respects it does not comply and any proposals to ensure eventual compliance.

50. All questions of membership in the Coordinating Committee including whether a national institution complies with the Paris Principles, will be decided by the Committee. No negative decision will be made without consultation with the institution concerned. The Committee may consult with any national institution concerning compliance with the Paris Principles. Any

national institution whose application for membership is declined may, with the consent of the Committee, attend meetings or workshops as an observer and reapply for membership at any time.

51. Only national institutions which comply with the Paris Principles will be eligible to be members of the group of national institutions. Only one national institution per State will be eligible to be a voting member.

52. Membership of the Coordinating Committee is the prerogative of a national institution, not of any individual.

53. Meetings of the Coordinating Committee will be held in conjunction with the annual session of the Commission on Human Rights, and with the biannual international meeting of national institutions. Otherwise, the Coordinating Committee will meet at such times and places as it determines. Representatives of national institutions established in accordance with the Paris Principles other than Committee members may attend meetings and the Chairperson, after consultation with members, may invite national institutions not members of the Committee and any other person or institution to participate in the work of the Coordinating Committee as an observer without the right to vote.

54. During the meeting, the representatives of the Advisory Council for Human Rights of Morocco offered to host the next International Workshop on National Institutions in Marrakesh.

VII. PARTICIPATION BY NATIONAL INSTITUTIONS IN MEETINGS OF THE COMMISSION ON HUMAN RIGHTS AND ITS SUBSIDIARY BODIES

55. Over the last five years, the issue of participation by national institutions in meetings of the Commission on Human Rights and its subsidiary bodies has been the subject of several proposals and resolutions of the Commission on Human Rights and the General Assembly.

56. At the Vienna World Conference on Human Rights in June 1993, national institutions participated in debates de jure, and not merely de facto. On several occasions, the Secretary-General has sent notes verbales to Governments, national human rights institutions and intergovernmental organizations requesting their views concerning possible forms of participation by national institutions in such meetings. The majority of Governments and national institutions which responded expressed the view that such institutions should be granted a distinct status, independent of their government delegation, so that they could participate in their own right in debates of the Commission on Human Rights and other human rights meetings.

57. In the 1998 report of the Secretary-General on national institutions (E/CN.4/1998/47), three options were noted concerning participation by national institutions: (a) be part of the delegation of their Government and be granted part of the delegation's speaking time; (b) be part of the delegation of their Government and be granted separate speaking time, in addition to that of the delegation; (c) participate in meetings in their own right with separate speaking time.

58. At the fifty-second session of the Commission on Human Rights, the Chairman decided to introduce an interim arrangement whereby national institutions could speak from the seat of their Government's delegation, but in their own right and with separate speaking time, during consideration of the item of the agenda item relating to national institutions. This arrangement was maintained at the fifty-third session of the Commission. At the fifty-fourth session of the Commission, the Chairman decided that national institutions addressing the Commission could do so from a special section of the floor, set aside specifically for this purpose, under the name plate "National Institutions". Eighteen national institutions from all regions each received seven minutes' speaking time during consideration of the item on national institutions.

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Fifty-fifth session
Agenda item 18

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Human rights and thematic procedures

Note by the secretariat

1. In its resolution 1998/74, the Commission on Human Rights requested the Secretary-General to issue annually the conclusions and recommendations of the thematic special rapporteurs, representatives, experts and working groups so as to enable further discussion of their implementation at subsequent sessions of the Commission. Pursuant to this request, the annex to the present document contains the references to the pertinent chapters containing the conclusions and recommendations of the reports submitted to the Commission on Human Rights at its fifty-fifth session by the thematic special rapporteurs and working groups.

2. In the same resolution, the Commission requested the Secretary-General to convene further periodic meetings of all the thematic special rapporteurs, representatives, experts and chairpersons of working groups of the Commission, in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations. In this regard, it may be noted that a meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission and of the advisory services programme was held from 26 to 29 May 1998, the report of which has been submitted to the Commission at its fifty-fifth session (E/CN.4/1999/3 and Corr.1 and Add.1 and Add.1/Corr.1 and 2).

GE.99-11647 (E)

Annex

CONCLUSIONS AND RECOMMENDATIONS OF THEMATIC SPECIAL RAPPORTEURS AND WORKING GROUPS

Conclusions and recommendations of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1999/11, paras. 79-101)

Conclusions and recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1999/15, paras. 142-144; E/CN.4/1999/15/Add.1, paras. 86-90)

Conclusions and recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1999/39, paras. 78-97)

Conclusions and recommendations of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic waste and dangerous products and wastes on the enjoyment of human rights (E/CN.4/1999/46, paras. 95-111; E/CN.4/1999/46/Add.1, paras. 107-125)

Conclusions and recommendations of the independent expert on the question of human rights and extreme poverty (E/CN.4/1999/48, paras. 115-149)

Conclusions and recommendations of the Special Rapporteur on the right to education (E/CN.4/1999/49, paras. 80-81)

Conclusions and recommendations of the independent expert on the effects of structural adjustment policies on the full enjoyment of economic, social and cultural rights (E/CN.4/1999/50, paras. 122-134)

Conclusions and recommendations of the Special Rapporteur on all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1999/58, paras. 115-127; E/CN.4/1999/58/Add.1, paras. 70-88; E/CN.4/1999/58/Add.2, paras. 99-123)

Conclusions and recommendations of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1999/60, paras. 204-210)

Conclusions and recommendations of the Special Rapporteur on the question of torture (E/CN.4/1999/61, para. 824; E/CN.4/1999/61/Add.1, paras. 99-113)

Conclusions and recommendations of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1999/62, paras. 330-339; E/CN.4/1999/62/Add.1, paras. 33-44; E/CN.4/1999/62/Add.2, paras. 53-62)

Conclusions and recommendations of the Working Group on Arbitrary Detention (E/CN.4/1999/63, paras. 71-80; E/CN.4/1999/63/Add.2, paras. 167-180; E/CN.4/1999/63/Add.3, paras. 26-40; E/CN.4/1999/63/Add.4, paras. 37-54)

Conclusions and recommendations of the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression (E/CN.4/1999/64, paras. 124-128; E/CN.4/1999/64/Add.1, paras. 65-80; E/CN.4/1999/64/Add.2, paras. 64-80)

Conclusions and recommendations of the independent expert on a revised version of the draft basic principles and guidelines on the right to reparation for victims of gross human rights violations (E/CN.4/1999/65, paras. 81-95)

Conclusions and recommendations of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1999/68, paras. 242-243; E/CN.4/1999/68/Add.2, paras. 205-221; E/CN.4/1999/68/Add.3, paras. 111-127)

Conclusions and recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1999/71, paras. 146-153; E/CN.4/1999/71/Add.1, paras. 64-66)

Conclusions and recommendations of the Special Representative of the Secretary-General on internally displaced persons (E/CN.4/1999/79, paras. 99-101; E/CN.4/1999/79/Add.1, paras. 114-120)

Report of the working group of intergovernmental experts on the human rights of migrants (E/CN.4/1999/80, para. 102)

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Fifty-fifth session
Item 18 (c) of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

Report of the High Commissioner

Introduction

1. The Commission on Human Rights, in its resolution 1998/46, requested the High Commissioner for Human Rights to submit a comprehensive report on the staff of her Office containing the following information: (a) the composition of the staff, organized by United Nations regional groups and reflecting grade, nationality and gender, including with regard to non-regular staff; (b) measures adopted to improve the current situation and their results; and (c) recommendations to improve the current situation.

2. It is recalled that the official report on the composition of the Secretariat is submitted annually by the Secretary-General to the General Assembly in accordance with a number of Assembly resolutions, the most recent of which is resolution 52/219. The latest report is contained in document A/53/375. The composition of the staff of the United Nations Secretariat is assessed at the global Secretariat level and not at the departmental level.

3. The present report of the High Commissioner is submitted pursuant to the request of the Commission on Human Rights. It consists of the following two tables:

(a) Table 1: regular OHCHR staff in the Professional and above category, by nationality, grade and gender, assigned to posts subject to geographical distribution, as of 31 December 1998;

(b) Table 2: OHCHR staff members in the Professional and above category, by nationality, grade and gender, falling under the following categories, as of 31 December 1998: (i) temporary staff in the Professional and above categories holding appointments of less than one year (not subject to geographical distribution); (ii) staff employed as technical cooperation personnel; and (iii) staff specifically appointed for mission service.

4. The principles governing the recruitment and employment of staff are derived from Article 101, paragraph 3, of the Charter, which states:

> "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

5. The High Commissioner appreciates the support of the Commission to improve the chronic shortage of staff in the Office of the High Commissioner for Human Rights. Faced with mounting tasks and severe shortage of staff, the High Commissioner is in the process of exploring channels within the regular budget and from voluntary sources to improve the staffing situation. The recruitment of a fund-raiser is currently under way.

Table 1

OHCHR STAFF SUBJECT TO GEOGRAPHICAL DISTRIBUTION BY NATIONALITY AND LEVEL, SHOWING NUMBER OF FEMALE STAFF
(as at 31 December 1998)

Region/Country of Nationality	Total staff		USG		ASG		D-2		D-1		P-5		P-4		P-3		P-2		P-1	
	All	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
AFRICA																				
Algeria	2	0									1				1					
Cameroon	1	0											1							
Côte d'Ivoire	2	0													2					
Equatorial Guinea	1	0													1					
Ghana	1	0							1											
Senegal	3	1					1						1	1						
South Africa	1	0									1									
Sudan	1	0													1					
Sub-Total	**12**	**1**	**0**	**0**	**0**	**0**	**1**	**0**	**1**	**0**	**2**	**0**	**2**	**1**	**5**	**0**	**0**	**0**	**0**	**0**
ASIA AND THE PACIFIC																				
Australia	1	1														1				
Cambodia	1	1														1				
China	1	1																1		
Japan	2	0									1				1					
Malaysia	1	1								1										
Mongolia	1	0															1			
Philippines	1	0													1					
Republic of Korea	1	1														1				
Sri Lanka	1	1												1						
Viet Nam	1	1														1				
Sub-Total	**11**	**7**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**0**	**0**	**1**	**2**	**4**	**1**	**1**	**0**	**0**
EASTERN EUROPE																				
Poland	1	0									1									
Russian Federation	1	0											1							
Ukraine	2	0											2							
Yugoslavia	1	1														1				
Sub-Total	**5**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**3**	**0**	**0**	**1**	**0**	**0**	**0**	**0**
WESTERN EUROPE																				
Finland	1	1														1				
France	4	0											2		2					
Germany	3	1											1			1	1			
Greece	1	1										1								
Ireland	2	2		1								1								
Italy	6	2									2	1	1			1	1			
Malta	1	0							1											
Netherlands	2	1											1			1				
Spain	5	4											1			4				
United Kingdom of Great Britain and Northern Ireland	2	1													1	1				
Sub-Total	**27**	**13**	**0**	**1**	**0**	**0**	**0**	**0**	**1**	**0**	**2**	**3**	**6**	**0**	**3**	**9**	**2**	**0**	**0**	**0**

Region/Country of Nationality	Total staff		USG		ASG		D-2		D-1		P-5		P-4		P-3		P-2		P-1	
	All	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
LATIN AMERICA																				
Brazil	1	1														1				
Costa Rica	1	0							1											
El Salvador	1	0															1			
Mexico	1	1										1								
Peru	1	0													1					
Sub-Total	5	2	0	0	0	0	0	0	1	0	0	1	0	0	1	1	1	0	0	0
MIDDLE EAST																				
Iran (Islamic Republic of)	1	1										1								
Israel	1	0											1							
Lebanon	1	1																1		
Saudi Arabia	2	1												1			1			
Sub-Total	5	3	0	0	0	0	0	0	0	0	0	1	1	1	0	0	1	1	0	0
NORTH AMERICA AND THE CARIBBEAN																				
Bahamas	1	1																1		
Canada	1	0													1					
Guyana	2	1			1													1		
United States of America	11	3									1	1	3	1	4	1				
Sub-Total	15	4	0	0	1	0	0	0	0	0	1	1	3	1	5	1	0	1	0	0
OTHERS																				
Switzerland	1	1														1				
Sub-Total	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
TOTAL	81	32	0	1	1	0	1	0	3	1	7	6	15	4	16	17	5	3	0	0

Table 2

NON-REGULAR OHCHR STAFF BY NATIONALITY AND LEVEL, SHOWING NUMBER OF FEMALE STAFF

(as at 31 December 1998)

Country of Nationality	Total staff		USG		ASG		D-2/L-7		D-1/L-6		P-5/L-5		P-4/L-4		P-3/L-3		P-2/L-2		P-1/L-1	
	All	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
AFRICA																				
Algeria	1	0													1					
Benin	1	0													1					
Burkina Faso	1	0															1			
Cameroon	1	0													1					
Côte d'Ivoire	1	0											1							
Egypt	1	1																1		
Equatorial Guinea	1	0											1							
Mali	2	1												1	1					
Mauritania	2	0									1				1					
Mauritius	1	1																		1
Morocco	1	0															1			
Senegal	1	0													1					
Sudan	1	0									1									
Togo	1	0															1			
Tunisia	2	1									1							1		
Uganda	1	0															1			
Zaire	1	0													1					
Sub-Total	**20**	**4**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	**0**	**2**	**1**	**7**	**0**	**4**	**2**	**0**	**1**
ASIA AND THE PACIFIC																				
Australia	2	1					1											1		
India	1	0															1			
Sub-Total	**3**	**1**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**0**	**0**
EASTERN EUROPE																				
Czech Republic	1	0											1							
Sub-Total	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
WESTERN EUROPE																				
Andorra	1	1																1		
Austria	1	0															1			
Finland	2	1															1	1		
France	8	6											1			1	1	4		1
Germany	2	1													1			1		
Italy	5	3									1		1					3		
Netherlands	2	1												1	1					
Spain	2	1													1	1				
Sweden	2	1											1			1				
United Kingdom of Great Britain and Northern Ireland	2	1												1			1			
Sub-Total	**27**	**16**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**3**	**2**	**3**	**3**	**4**	**10**	**0**	**1**

Region/Country of Nationality	Total staff		USG		ASG		D-2/L-7		D-1/L-6		P-5/L-5		P-4/L-4		P-3/L-3		P-2/L-2		P-1/L-1	
	All	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
LATIN AMERICA																				
Argentina	1	0															1			
Guatemala	1	1																1		
Peru	3	3														1		1		1
Uruguay	1	0													1					
Sub-Total	**6**	**4**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**1**	**2**	**0**	**1**
MIDDLE EAST																				
Iran (Islamic Republic of)	1	1														1				
Sub-Total	**1**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**
NORTH AMERICA AND THE CARIBBEAN																				
Canada	5	1											2		1	1			1	
Saint Lucia	1	1														1				
United States of America	9	6												1	2	2	1	3		
Sub-Total	**15**	**8**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**1**	**3**	**4**	**1**	**3**	**1**	**0**
OTHERS																				
Switzerland	2	2																2		
Sub-Total	**2**	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**0**
TOTAL	**75**	**36**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**4**	**0**	**8**	**4**	**14**	**9**	**11**	**20**	**1**	**3**

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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Assistance to States in strengthening the rule of law

Note by the Secretary-General

1. At its fifty-third session, the Commission on Human Rights adopted resolution 1997/48 of 11 April 1997.

2. The Commission decided to continue its consideration of assistance to States in strengthening the rule of law during its fifty-fifth session in the light of the report of the Secretary-General to the General Assembly (A/53/309).

3. In accordance with this resolution the above document will be available to the Commission at its present session.